

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1494*

Short Title: Town of Laurel Park Charter.

(Local)

Sponsors: Representative Justus.

Referred to: Finance.

May 9, 2000

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF LAUREL PARK.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Laurel Park is revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF LAUREL PARK.

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

"Section 1.1. **Incorporation.** The Town of Laurel Park, North Carolina, in Henderson County and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'Town of Laurel Park', hereinafter at times referred to as the 'Town'.

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

"Section 1.3. **Corporate Limits.** The corporate limits shall be those existing at the time of ratification of this Charter, as set forth on the official map of the Town and as they may be altered from time to time in accordance with law. An official map of the

1 Town, showing the current municipal boundaries, shall be maintained permanently in the
2 office of the Town Clerk and shall be available for public inspection. Upon alteration of
3 the corporate limits pursuant to law, the appropriate changes to the official map shall be
4 made and copies shall be filed in the office of the Secretary of State, the office of the
5 Henderson County Register of Deeds, and the appropriate board of elections.

6 "ARTICLE II. GOVERNING BODY.

7 "Section 2.1. **Town Governing Body; Composition.** The Town Council hereinafter
8 referred to as the 'Council', and the Mayor shall be the governing body of the Town.

9 "Section 2.2. **Town Council; Composition; Terms of Office.** The Council shall be
10 composed of four members to be known as Commissioners, to be elected by all the
11 qualified voters of the Town, for staggered terms of four years or until their successors
12 are elected and qualified.

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

19 "Section 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as
20 Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or
21 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such
22 capacity at the pleasure of the Council.

23 "Section 2.5. **Meetings.** In accordance with general law, the Council shall establish a
24 suitable time and place for its regular meetings. Special and emergency meetings may be
25 held as provided by general law.

26 "Section 2.6. **Quorum; Voting.** Official actions of the Council and all votes shall be
27 taken in accordance with the applicable provisions of general law, particularly G.S.
28 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

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

32 "ARTICLE III. ELECTIONS.

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

37 "Section 3.2. **Election of Mayor.** A Mayor shall be elected in the regular municipal
38 election in 2003 and each four years thereafter.

39 "Section 3.3. **Election of Commissioners.** Except for the filing of vacancies as
40 provided for in G.S. 160A-63, two Commissioners shall be elected at the regular
41 municipal election in 2001 and every four years thereafter and two Commissioners shall
42 be elected at the regular municipal election in 2003 and every four years thereafter. In
43 the regular municipal election in 2001, and in each regular municipal election thereafter,

1 persons shall be elected to serve four-year terms in those positions whose terms are then
2 expiring.

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

5 **"ARTICLE IV. TOWN MANAGER.**

6 "Section 4.1. **Form of Government.** The Town shall operate under the Council-
7 Manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of
8 the General Statutes.

9 "Section 4.2. **Town Manager; Appointment; Powers and Duties.** The Council shall
10 appoint a Town Manager who shall be responsible for the administration of all
11 departments of the Town government. The Town Manager shall have all the powers and
12 duties conferred by general law, except as expressly limited by the provisions of this
13 Charter, and the additional powers and duties conferred by the Council, so far as
14 authorized by general law.

15 **"ARTICLE V. ADMINISTRATIVE OFFICERS AND EMPLOYEES.**

16 "Section 5.1. **Town Attorney.** The Town Council shall appoint a Town Attorney
17 licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to
18 represent the Town, advise Town officials, and perform other duties required by law or as
19 the Council may direct.

20 "Section 5.2. **Town Clerk.** The Town Manager shall appoint a Town Clerk to keep a
21 journal of the proceedings of the Council, to maintain official records and documents, to
22 give notice of meetings, and to perform such other duties required by law or as the Town
23 Manager may direct. The Town Manager may appoint one or more Assistants and/or
24 Deputy Town Clerks.

25 "Section 5.3. **Tax Collector.** The Town shall have a Tax Collector to collect all
26 taxes owed to the Town and perform those duties specified in G.S. 105-350 and such
27 other duties as prescribed by law or assigned by the Town Manager. Notwithstanding the
28 contrary provisions of G.S 105-349, the Town Manager is authorized to appoint the Tax
29 Collector and one or more Deputy Tax Collectors.

30 "Section 5.4. **Other Administrative Officers and Employees.** The Council may
31 authorize other positions to be filled by appointment by the Town Manager and may
32 organize the Town government as deemed appropriate, subject to the requirements of
33 general law.

34 "Section 5.5. **Manager's Authority; Role of Elected Officials.** As chief
35 administrator, the Town Manager shall have the power to appoint, suspend, and remove
36 all nonelected officers, department heads, and employees of the Town, except the Town
37 Attorney, who shall be appointed as provided in Section 5.1 of this Charter. Neither the
38 Mayor nor the Town Council nor any of its committees or members shall take part in the
39 appointment or removal of officers, department heads, and employees in the
40 administrative service of the Town, except as provided by this Charter. Except for the
41 purpose of inquiry, or for consultation with the Town Attorney, the Mayor and the Town
42 Council and its members shall deal with officers and employees in the administrative
43 service of the Town only through the Town Manager, Acting Manager, or Interim

1 Manager, and neither the Mayor nor the Council nor any of its members shall give orders
2 or directions to any subordinate of the Town Manager, Acting Manager, or Interim
3 Manager, either publicly or privately.

4 **"ARTICLE VI. ANNEXATION AGREEMENTS.**

5 "Section 6.1. **Annexation and Payment in Lieu of Tax Agreements.** The authority
6 of the Town to enter into annexation and payment in lieu of tax agreements shall continue
7 as authorized by Chapter 188, Session Laws of 1997, and any subsequent acts."

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

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

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

18 Chapter 100, Private Laws of 1925, except for Section 7

19 Chapter 108, Private Laws of 1925

20 Chapter 103, Private Laws of 1927

21 Chapter 174, Private Laws of 1933

22 Chapter 204, Private Laws of 1935

23 Chapter 262, Private Laws of 1935

24 Chapter 622, Session Laws of 1947

25 Chapter 95, Session Laws of 1961

26 Chapter 348, Session Laws of 1987

27 Chapter 336, Session Laws of 1989

28 Chapter 878, Session Laws of 1989

29 Chapter 559, Session Laws of 1991.

30 Section 5. The Mayor and Commissioners serving on the date of ratification of
31 this act shall serve until the expiration of their terms or until their successors are elected
32 and qualified. Thereafter those offices shall be filled as provided in Articles II and III of
33 the Charter contained in Section 1 of this act.

34 Section 6. This act does not affect any rights or interests which arose under
35 any provisions repealed by this act.

36 Section 7. All existing ordinances, resolutions, and other provisions of the
37 Town of Laurel Park not inconsistent with the provisions of this act shall continue in
38 effect until repealed or amended.

39 Section 8. No action or proceeding pending on the effective date of this act by
40 or against the Town or any of its departments or agencies shall be abated or otherwise
41 affected by this act.

42 Section 9. If any provision of this act or application thereof is held invalid,
43 such invalidity shall not affect other provisions or applications of this act which can be

1 given effect without the invalid provision or application, and to this end the provisions of
2 this act are declared to be severable.

3 Section 10. Whenever a reference is made in this act to a particular provision
4 of the General Statutes, and such provision is later amended, superseded, or recodified,
5 the reference shall be deemed amended to refer to the amended law, or to the law which
6 most clearly corresponds to the statutory provision which is superseded or recodified.

7 Section 11. This act is effective when it becomes law.