

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE DRH30124-LBx-90A (3/5)

Short Title: Holly Springs Charter Revision.

(Local)

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Sponsors: Representative Stam.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF  
HOLLY SPRINGS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the Town of Holly Springs is revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF HOLLY SPRINGS.

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

"Section 1.1. **Incorporation.** The Town of Holly Springs and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'Town of Holly Springs,' 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 Holly Springs 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 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 Wake County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

"Section 2.1. **Town Governing Body.** The Board of Commissioners, hereinafter referred to as the 'Board,' and the Mayor shall be the governing body of the Town.

1 "Section 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board  
2 shall be composed of five members, to be elected by all the qualified voters of the  
3 Town, for staggered terms of four years and until their successors are elected and  
4 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 and until a successor is elected and  
7 qualified. The Mayor shall be the official head of the Town government and shall  
8 preside at meetings of the Board. The Mayor shall have the right to vote only when  
9 there is an equal division on any question or matter before the Board and shall exercise  
10 the powers and duties conferred by law or as directed by the Board.

11 "Section 2.4. **Mayor Pro Tempore.** In accordance with general law, the Board shall  
12 elect one of its members to act as Mayor Pro Tempore to perform the duties of the  
13 Mayor during his or her absence or disability.

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

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

20 "Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The  
21 compensation and qualifications of the Mayor and Commissioners shall be in  
22 accordance with general law.

### 23 "ARTICLE III. ELECTIONS.

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

28 "Section 3.2. **Election of Mayor.** At the regular municipal election in 2005, and  
29 quadrennially thereafter, a Mayor shall be elected to serve a term of four years.

30 "Section 3.3. **Election of Commissioners.** At the regular municipal election in 2003,  
31 and quadrennially thereafter, two Commissioners shall be elected to four-year terms. At  
32 the regular municipal election in 2005, and quadrennially thereafter, three  
33 Commissioners shall be elected to four-year terms.

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

### 37 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

38 "Section 4.1. **Form of Government.** The Town shall operate under the  
39 council-manager form of government as provided in Part 2 of Article 7 of Chapter 160A  
40 of the General Statutes.

41 "Section 4.2. **Town Attorney.** The Board shall appoint a Town Attorney licensed to  
42 practice law in North Carolina. It shall be the duty of the Town Attorney to represent  
43 the Town, advise Town officials, and perform other duties required by law or as the  
44 Board may direct.

1 "Section 4.3. **Town Clerk.** The Board shall appoint a Town Clerk to keep a journal  
2 of the proceedings of the Board, to maintain official records and documents, to give  
3 notice of meetings, and to perform such other duties required by law or as the Board  
4 may direct.

5 "Section 4.4. **Tax Collector.** The Board shall appoint a Tax Collector to collect all  
6 taxes owed to the Town and perform those duties specified in G.S. 105-350 and such  
7 other duties as prescribed by law or assigned by the Board.

8 "Section 4.5. **Other Administrative Officers and Employees.** The Board may  
9 authorize other positions to be filled by appointment and may organize the Town  
10 government as deemed appropriate, subject to the requirements of general law."

11 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of  
12 Holly Springs and to consolidate herein certain acts concerning the property, affairs, and  
13 government of the Town.

14 **SECTION 3.** The following acts or portions of acts, having served the  
15 purposes for which they were enacted, or having been consolidated into this act, are  
16 hereby repealed:

17 Chapter 110, Session Laws of 1951

18 Chapter 121, Session Laws of 1953

19 Chapter 495, Session Laws of 1971

20 Chapter 382, Session Laws of 1985.

21 **SECTION 4.** No provision of this act is intended, nor shall be construed, to  
22 affect in any way any rights or interests (whether public or private):

23 (1) Now vested or accrued, in whole or in part, the validity of which might  
24 be sustained or preserved by reference to any provisions of law  
25 repealed by this act.

26 (2) Derived from, or which might be sustained or preserved in reliance  
27 upon, action heretofore taken pursuant to or within the scope of any  
28 provisions of law repealed by this act.

29 **SECTION 5.** No law heretofore repealed expressly or by implication, and no  
30 law granting authority which has been exhausted, shall be revived by:

31 (1) The repeal herein of any act repealing such law, or

32 (2) Any provision of this act that disclaims an intention to repeal or affect  
33 enumerated or designated laws.

34 **SECTION 6.** All existing ordinances and resolutions of the Town of Holly  
35 Springs and all existing rules or regulations of departments or agencies of the Town of  
36 Holly Springs not inconsistent with the provisions of this act shall continue in full force  
37 and effect until repealed, modified, or amended.

38 **SECTION 7.** No action or proceeding of any nature (whether civil or  
39 criminal, judicial or administrative, or otherwise) pending at the effective date of this  
40 act by or against the Town of Holly Springs or any of its departments or agencies shall  
41 be abated or otherwise affected by the adoption of this act.

42 **SECTION 8.** If any part of this act or the application thereof to any person  
43 or circumstance is held to be invalid, such invalidity shall not affect other provisions or

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

3           **SECTION 9.** Whenever a reference is made in this act to a particular  
4 provision of the General Statutes, and such provision is later amended, repealed, or  
5 superceded, the reference shall be deemed amended to refer to the amended General  
6 Statute or to the General Statute which most nearly corresponds to the statutory  
7 provision which is repealed or superceded.

8           **SECTION 10.** This act is effective when it becomes law.