

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

H

D

**HOUSE BILL 268
PROPOSED SENATE COMMITTEE SUBSTITUTE H268-PCS40591-RN~~X~~-18**

Short Title: City of Belmont Charter Revisions. (Local)

Sponsors:

Referred to:

March 8, 2017

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

4 The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF BELMONT.

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

9 "Section 1.1. **Incorporation.** The City of Belmont, North Carolina, in Gaston County, and
10 the inhabitants thereof shall continue to be a municipal body politic and corporate, under the
11 name of the "City of Belmont," 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,
13 rights, privileges, and immunities conferred upon the City of Belmont specifically by this
14 Charter or upon municipal corporations by general law. The term "general law" is employed
15 herein as 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 Gaston County Register of Deeds, and the Gaston County
23 Board of Elections.

"ARTICLE II. GOVERNING BODY.

24 "Section 2.1. **City Governing Body; Composition.** The City Council, hereinafter referred
25 to as the "Council," and the Mayor shall be the governing body of the City.

26 "Section 2.2. **City Council; Composition; Terms of Office.** The Council shall be
27 composed of five members, to be elected by all the qualified voters of the City, for staggered
28 terms of four years or until their successors are elected and qualified.

29 "Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the
30 qualified voters of the City for a term of four years or until his or her successor is elected and
31 qualified. The Mayor shall be the official head of the City government and preside at meetings
32 of the Council, shall have the right to vote only when there is an equal division on any question
33 or matter before the Council except as provided in Section 4.2 of this Charter, and shall
34 exercise the powers and duties conferred by law or as directed by the Council.
35



* H 2 6 8 - P C S 4 0 5 9 1 - R N X - 1 8 *

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

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

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

11 "Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation
12 and qualifications of the Mayor and Council shall be in accordance with general law. Vacancies
13 that occur in any elective office of the City shall be filled by majority vote of the remaining
14 members of the Council and shall be filled in accordance with the provisions of G.S. 160A-63.

15 "ARTICLE III. ELECTIONS.

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

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

22 "Section 3.3. **Election of Council.** In the regular municipal election in 2017 and
23 quadrennially thereafter, two Council members shall be elected for four-year terms in those
24 positions whose terms are then expiring. In the regular municipal election in 2019 and
25 quadrennially thereafter, three Council members shall be elected for four-year terms in those
26 positions whose terms are then expiring.

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

29 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

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

33 "Section 4.2. **City Manager; Appointment; Removal.** The Mayor and Council shall
34 appoint a City Manager who shall be responsible for the administration of all departments of
35 the City government. No person who has served as an elected official of the City shall be
36 eligible for appointment as City Manager until at least one year has elapsed following the
37 expiration of his or her term in the elective City office. In the selection of a City Manager, the
38 Mayor and each Council member shall have one vote, with a tie vote to be deemed a vote
39 against the proposed appointment. Likewise, the Mayor and each Council member shall have
40 one vote in the removal of a City Manager, with a tie vote to be deemed a vote against the
41 proposed removal.

42 "Section 4.3. **City Manager; Powers and Duties.** The City Manager shall have all the
43 powers and duties conferred by general law, except as expressly limited by the provisions of
44 this Charter, and the additional powers and duties conferred by the Council, so far as authorized
45 by general law.

46 "Section 4.4. **Manager's Personnel Authority; Role of Elected Officials.** As chief
47 administrator, the City Manager shall have the power to appoint, suspend, and remove all
48 nonelected officers, department heads, and employees of the City, with the exception of the
49 City Attorney and any other official whose appointment or removal is specifically vested in the
50 Council by this Charter or by general law. Neither the Mayor nor the Council nor any of its
51 committees or members shall take part in the appointment or removal of nonelected officers,

1 department heads, or employees in the administrative service of the City, except as provided by
2 this Charter. Except for the purpose of inquiry, or for consultation with the City Attorney, the
3 Mayor and the Council and its members shall deal with officers and employees in the
4 administrative service only through the Manager, Acting Manager, or Interim Manager, and
5 neither the Mayor nor the Council nor any of its members shall give orders or directions to any
6 subordinate of the Manager, Acting Manager, or Interim Manager, either publicly or privately.

7 "Section 4.5. **City Attorney.** The Council shall appoint a City Attorney licensed to practice
8 law in North Carolina. It shall be the duty of the City Attorney to represent the City, advise
9 City officials, and perform other duties required by law or as the Council may direct.

10 "Section 4.6. **City Clerk.** The Manager shall appoint a City Clerk to keep a journal of the
11 proceedings of the Board, to maintain official records and documents, to give notice of
12 meetings, and to perform such other duties required by law or as the Manager may direct.

13 "Section 4.7. **Other Administrative Officers and Employees.** The Council may authorize
14 other positions to be filled by appointment by the City Manager and may organize the City
15 government as deemed appropriate, subject to the requirements of general law.

16 "ARTICLE V. ADDITIONAL AUTHORITY.

17 "Section 5.1. **Special Assessments.** In addition to any authority granted by general law in
18 Article 10 of Chapter 160A of the General Statutes, the City may continue to levy special
19 assessments in accordance with the following acts of the General Assembly and any subsequent
20 acts: Chapter 341 of the 1995 Session Laws, regarding assessments for water and sewer outside
21 city limits by petition, and S.L. 2005-111, regarding assessments for street lighting by petition.

22 "Section 5.2. **Occupancy Tax.** The City may continue to levy an occupancy tax as
23 provided in S.L. 2005-220 and any subsequent acts.

24 "Section 5.3. **Satellite Annexation.** With regard to voluntary noncontiguous annexations,
25 the City shall continue to be exempt from the percentage area limitation contained in
26 G.S. 160A-58.1(b)(5), as provided by S.L. 2009-111, and any subsequent acts.

27 "Section 5.4. **Extraterritorial Jurisdiction.** The City may continue to exercise
28 extraterritorial jurisdiction as provided in Chapter 596 of the 1991 Session Laws and any
29 subsequent acts."

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

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

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

40 Chapter 97 of the Private Laws of 1895, except Section 2

41 Chapter 178 of the Private Laws of 1903, except Section 1

42 Chapter 189 of the Private Laws of 1913

43 Chapter 172 of the Private Laws of 1915

44 Chapter 184 of the Private Laws of 1925

45 Chapter 52 of the Private Laws of 1933

46 Chapter 38 of the 1945 Session Laws

47 Chapter 568 of the 1945 Session Laws

48 Chapter 125 of the 1947 Session Laws

49 Chapter 419 of the 1967 Session Laws

50 Chapter 930 of the 1969 Session Laws

1 **SECTION 5.** The Mayor and Council members serving on the date of ratification
2 of this act shall serve until the expiration of their terms or until their successors are elected and
3 qualified. Thereafter those offices shall be filled as provided in Articles II and III of the Charter
4 contained in Section 1 of this act.

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

7 **SECTION 7.** All existing ordinances, resolutions, and other provisions of the City
8 of Belmont not inconsistent with the provisions of this act shall continue in effect until repealed
9 or amended.

10 **SECTION 8.** No action or proceeding pending on the effective date of this act by
11 or against the City or any of its departments or agencies shall be abated or otherwise affected
12 by this act.

13 **SECTION 9.** If any provision of this act or application thereof is held invalid, such
14 invalidity shall not affect other provisions or applications of this act that can be given effect
15 without the invalid provision or application, and, to this end, the provisions of this act are
16 declared to be severable.

17 **SECTION 10.** Whenever a reference is made in this act to a particular provision of
18 the General Statutes and such provision is later amended, superseded, or recodified, the
19 reference shall be deemed amended to refer to the amended General Statute or to the General
20 Statute that most clearly corresponds to the statutory provision that is superseded or recodified.

21 **SECTION 11.** This act is effective when it becomes law.