

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 754
PROPOSED COMMITTEE SUBSTITUTE S754-CSR-N-35 [v.12]

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Short Title: Nashville/Revised & Consolidated Charter.

(Local)

Sponsors:

Referred to:

May 19, 2022

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

4 The General Assembly of North Carolina enacts:

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

7 "THE CHARTER OF THE TOWN OF NASHVILLE.

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

9 "Section 1.1. **Incorporation.** The Town of Nashville, in Nash County, North Carolina, and
10 the inhabitants thereof, shall continue to be a municipal body politic and corporate under the
11 name of the "Town of Nashville," hereinafter referred to as the "Town."

12 "Section 1.2. **Grant and Exercise of Powers.** (a) General Powers. The Town shall
13 continue to be vested with all of the property and rights in property belonging to the Town; shall
14 have perpetual succession; may sue and be sued; may contract and be contracted with; may
15 acquire and hold any property, real and personal, devised, bequeathed, sold, or in any manner
16 conveyed, dedicated to, or otherwise acquired by them; and, from time to time, may hold, invest,
17 sell, or dispose of the same; may have a common seal, and alter and renew the same at will. The
18 enumeration of any particular powers, rights, or authorities shall not be held or deemed to be
19 exclusive. In addition to any powers, rights, or authorities enumerated or implied under this
20 Charter, the Town shall have and may exercise all the powers, functions, duties, rights, privileges,
21 and immunities of every kind and nature whatsoever conferred upon the Town under the general
22 laws of the State of North Carolina, local acts applicable to the Town, and this Charter.

23 (b) Manner of Exercise. All powers of the Town, whether expressed or implied, shall be
24 exercised in the manner prescribed by the general laws of the State of North Carolina, local acts
25 applicable to the Town, and this Charter or, if not prescribed therein, in the manner provided by
26 ordinance, resolution, or other official act of the Town's governing body.

27 "Section 1.3. **Corporate Boundaries.** The corporate boundaries of the Town shall be those
28 existing on the effective date of this Charter, as the same may be modified and updated from time
29 to time. The official corporate limits shall be set forth and delineated either on the official map
30 of the Town corporate limits, by a written narrative description of the corporate limits, or through
31 a combination of such techniques. Such official description of the corporate limits shall be kept
32 and retained permanently in the office of the Town Clerk. Modifications to the official corporate
33 limits shall be indicated by appropriate entries upon, or additions to, the map or description, made
34 by or under the direction of the Town Clerk, in the manner prescribed by law. Upon alteration of
35 the corporate limits pursuant to law, the appropriate changes to the official map shall be made,



1 and copies shall be filed in the office of the Secretary of State, the Nash County Register of
2 Deeds, and the Nash County Board of Elections.

3 "ARTICLE II. EXPANSION OF CORPORATE BOUNDARIES.

4 "Section 2.1. **Annexation in General.** The Town may alter and expand its corporate
5 boundaries as authorized by and in accordance with the general laws governing municipal
6 annexations.

7 "Section 2.2. **Annexation of Non-Contiguous Areas.** Notwithstanding applicable provisions
8 of general law, a non-contiguous ("satellite") area proposed for annexation, when added to the
9 area within all other satellite corporate limits, may exceed ten percent (10%) of the area within
10 the primary corporate limits.

11 "ARTICLE III. GOVERNING BODY.

12 "Section 3.1. **Mayor and Council; Powers.** The Town Council (hereinafter "Council") and
13 the Mayor shall be the governing body of the Town. The Council shall consist of four members
14 and the Mayor, each to be elected at large in the manner provided in Article IV of this Charter.
15 All powers of the Town shall be vested in and exercised by the Mayor and Council.

16 "Section 3.2. **Terms of Mayor and Council.** The Mayor shall be elected to serve for a
17 four-year term as provided in Article IV of this Charter. Each Council member shall serve a
18 four-year term, and the terms shall be staggered as provided in Article IV of this Charter. The
19 Mayor and Council members shall continue to serve until their successors are chosen and
20 qualified.

21 "Section 3.3. **Duties of the Mayor; Mayor Pro Tempore.** (a) The Mayor shall preside at
22 all meetings of the Council; shall have a casting vote only in case of an equal division; shall be
23 recognized as the official head of the Town for all ceremonial purposes; shall have power to
24 administer oaths; shall execute all official instruments and documents of the Town, unless that
25 authority has been delegated to another official of the Town by the general laws of North Carolina
26 or a Town ordinance; and shall exercise such other powers and perform such other duties as are
27 or may be conferred and imposed upon the office of Mayor by the general laws of North Carolina,
28 this Charter, or the ordinances of the Town, not inconsistent therewith.

29 (b) In the time of an officially declared public emergency, the Mayor shall, to the extent
30 authorized by a duly adopted ordinance, exercise such powers as he or she shall deem necessary
31 and appropriate, not inconsistent with the provisions of applicable general law.

32 (c) At its first regular meeting following the regular municipal elections held as provided
33 in Article IV of this Charter, the Council shall choose one of its members to serve as Mayor Pro
34 Tempore. A Council member serving as Mayor Pro Tempore shall be entitled to vote on all
35 matters and shall be considered a Council member for all purposes, including whether a quorum
36 is present.

37 "Section 3.4. **Residency Qualification; Compensation.** (a) No person shall be eligible
38 to file for or be elected to the office of Mayor or Council, or to serve as such, unless he or she is
39 a qualified voter and resident of the Town.

40 (b) In accordance with general law, the Council may provide for and fix the amount of
41 compensation for Council members and the Mayor.

42 "Section 3.5. **Meetings; Procedure; Adoption of Ordinances; Organizational Meeting;**
43 **Oaths.** (a) The organizational meeting of the Council shall be held at the time of the first
44 regular meeting of the Council following each regular municipal election. At the organizational
45 meeting, or otherwise before entering upon the duties of their respective offices, the
46 Mayor-elect and each Council member-elect shall take an oath prescribed by law before a
47 person authorized by law to administer oaths.

48 (b) The Council shall fix suitable times for its regular meetings, which shall be at least
49 once each month. The Council may change the time of the regular meetings as it deems necessary.
50 Special meetings of the Council may be held in accordance with applicable general law
51 regarding: (i) the authority for special meetings; (ii) procedures for calling; (iii) notice of such

meetings; and (iv) conditions upon matters to be addressed at special meetings. Minutes shall be kept of the proceedings of all regular and special meetings. Subject to applicable provisions of Article 33C of Chapter 143 of the General Statutes, the Open Meetings Law of North Carolina, all meetings of the Council shall be open to the public. The Council shall have the authority to adopt rules of procedure not inconsistent with applicable general law, provisions of this Charter, or generally accepted principles of parliamentary procedure.

(c) The Council may adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with general law, local acts applicable to the Town, or the provisions of this Charter, as may be necessary or appropriate for the preservation and promotion of the health, safety, and welfare of the Town and its inhabitants.

"Section 3.6. **Quorum and Voting Requirements.** In the transaction of Council business, the presence of a quorum, whether a Council member may be excused from voting on any matter, and other voting rules and requirements shall be determined in accordance with applicable provisions of general law.

"ARTICLE IV. ELECTIONS.

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

"Section 4.2. **Special Elections.** Special elections may be held only as provided by general law or local acts applicable to the Town.

"Section 4.3. **Election of Mayor.** A Mayor shall be elected every four years and shall serve a four-year term.

"Section 4.4. **Election of Council.** All members of the Council shall be elected at large by the qualified voters of the Town and shall each serve staggered, four-year terms. In 2023 and every four years thereafter, two Council members shall be elected. In 2025 and every four years thereafter, two Council members shall be elected.

"ARTICLE V. ORGANIZATION AND ADMINISTRATION.

"Section 5.1. **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.

"Section 5.2. **Powers and Duties of Town Manager.** The Town Manager shall be the chief administrator of the Town. The Town Manager shall be responsible to the Council for administering all municipal affairs placed in the Town Manager's charge by them, and the Town Manager shall have the following powers and duties:

- (1) To appoint and suspend or remove all Town officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the Town Attorney, in accordance with the general personnel rules, regulations, policies, or ordinances as the Council may adopt.
- (2) To direct and supervise the administration of all departments, offices, and agencies of the Town, subject to the general direction and control of the Council, except as otherwise provided by law.
- (3) To attend all meetings of the Council and recommend any measures that the Town Manager deems expedient.
- (4) To see that all laws of the State, the provisions of this Charter, and the ordinances, resolutions, and regulations of the Council are faithfully executed within the Town.
- (5) To prepare and submit the annual budget and capital program to the Council.

- (6) To annually submit to the Council, and make available to the public, a complete report on the finances and administrative activities of the Town as of the end of the fiscal year.
- (7) To make any other reports that the Council may require concerning the operations of Town departments, offices, and agencies subject to the Town Manager's direction and control.
- (8) To perform any other duties that may be required or authorized by the Council.

"Section 5.3. **Acting Town Manager.** By letter filed with the Town Clerk, the Town Manager may designate, subject to the approval of the Council, a qualified person to exercise the powers and perform the duties of Town Manager during his or her temporary absence or disability. During the Town Manager's absence or disability, the Council may, at any time, revoke the designation of the person serving as Acting Town Manager and appoint another to serve in that capacity until the Town Manager returns or his or her disability ceases.

"Section 5.4. **Interim Town Manager.** When the position of Town Manager is vacant, the Council shall designate a qualified person to exercise the powers and perform the duties of Town Manager until the vacancy is filled.

"Section 5.5. **Town Attorney; Appointment and Duties.** The Council shall appoint one or more persons to serve as Town Attorney. The Town Attorney shall serve at the pleasure of the Council and shall be its legal adviser. The Town Attorney shall also serve as legal counsel to the Town and its departments and offices. As directed by the Council, the Town Attorney shall represent the Town in all litigation and legal proceedings before courts of law, administrative boards and commissions, and other legal tribunals. The Town Attorney shall perform such other duties of a legal nature pertaining to the Town as may be directed by the Council, or as may be imposed by law upon the Town Attorney. The Council may engage other attorneys to provide legal services for the Town as it deems advisable.

"Section 5.6. **Clerk; Duties.** The Town Manager shall appoint a Town Clerk to give notice of meetings of the Council, to make and maintain full and accurate minutes of the proceedings of the Council, to be the custodian of all books, records, documents, and other Town records, and to surrender the same to his or her successor in office. The Town Clerk shall be the custodian of the official seal of the Town, and shall affix the official seal to, and attest on behalf of the Town the execution of, all deeds, contracts, and other official documents, all in accordance with applicable laws and ordinances. The Town Clerk shall perform such other duties as provided by general law and as directed by Town Manager.

"Section 5.7. **Finance Director.** The Town Manager shall appoint an administrative officer of the Town to perform the duties of the Finance Officer under State law. The Finance Director shall perform such other duties as may be assigned by general law, directed by the Town Manager or Town Council, or prescribed by rules and regulations of the North Carolina Local Government Commission.

"Section 5.8. **Tax Collector.** The Council shall provide for an administrative officer of the Town to perform the duties of tax collector. The tax collector shall collect all taxes, licenses, fees, and other moneys belonging or owed to the Town government, subject to applicable provisions of general law, the Charter, and ordinances enacted thereunder. The tax collector shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes and other fees and revenues by municipalities. It shall be the duty of the tax collector to deposit daily in the Town's depository all moneys belonging to the Town. The tax collector shall perform such other duties as may be authorized by the charter, general law and as directed by Council.

"Section 5.9. **Police Department.** The Town Council may provide for the establishment of a police department to provide law enforcement services for the Town. If a police department is established, the Town Manager shall appoint a chief of police. Police officers of the Town shall

1 have and exercise all the powers and duties of law enforcement officers in accord with applicable
2 statutes or common law.

3 "Section 5.10. **Fire Department.** The Town Council may provide for the establishment of a
4 fire department to provide fire suppression, fire prevention, first responder, and related
5 emergency response services for the Town. If a fire department is established, the Town Manager
6 shall appoint the chief of the fire department. Fire department personnel shall have and exercise
7 all the powers and duties of municipal fire personnel in accord with applicable general law.

8 "Section 5.11. **Consolidation of Offices.** The Council may create, change, abolish, and
9 consolidate offices, positions, departments, councils, commissions, and agencies of Town
10 government and generally organize and reorganize Town government in order to promote orderly
11 and efficient administration of Town affairs, except as may be otherwise provided by this Charter
12 and by the applicable general laws of the State of North Carolina.

13 "ARTICLE VI. CONTRACTS AND FINANCE.

14 "Section 6.1. **Contracts According to General Law.** All contracts awarded by the Town
15 shall be executed in accordance with the provisions the General Statutes, local acts applicable to
16 the Town, or the provisions of this Charter.

17 "Section 6.2. **Official Depository for Town Funds; Control and Management of Town**
18 **Accounts.** All moneys received by the Town or in connection with the business of the Town
19 shall be paid promptly into the Town's depository. The Town's official depository shall be an
20 institution designated by the Council in accordance with applicable general laws including,
21 without limitation, laws regarding qualifications for the selected depository, the security for
22 deposits, and interest thereon. All interest on moneys belonging to the Town shall accrue to the
23 benefit of the Town. All moneys and accounts of the Town shall be maintained, managed, held,
24 disbursed, and invested in accordance with applicable provision of the Charter and general law.

25 "Section 6.3. **Annual Audit.** In accordance with applicable statutes, as soon as possible
26 after the close of each fiscal year, an independent audit shall be conducted of all accounts of the
27 Town. Such audit shall be performed by a qualified individual or firm to be selected by the
28 Council. The firm or individual selected to perform the audit shall have no personal interest,
29 directly or indirectly, in the affairs of the Town or of any of its officers and shall otherwise satisfy
30 all applicable legal and professional standards and requirements for this work."

31 "ARTICLE VII. MISCELLANEOUS

32 "Section 7.1. **Extraterritorial Planning Jurisdiction.** Notwithstanding G.S.160D-202 and
33 with the approval of the Board of Commissioners of Nash County, the Town may exercise its
34 local planning and development regulatory jurisdiction over an area extending not more than two
35 miles beyond its corporate limits."

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

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

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

46 Chapter 320 of the Session Laws of 1969, except Sections 2 and 3.

47 Chapter 71 of the Session Laws of 1971

48 Chapter 224 of the Session Laws of 1971

49 Chapter 343 of the Session Laws of 1973

50 Chapter 380 of the Session Laws of 1973

51 Chapter 394 of the Session Laws of 1977

Chapter 217 of the Session Laws of 1985

SECTION 5. The Mayor and members of the 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 contained in Section 1 of this act.

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

SECTION 7. All existing ordinances, resolutions, and other provisions of the Town of Nashville not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

SECTION 8. 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 9. 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 10. 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 Nashville or any of its departments or agencies shall be abated or otherwise affected by this act.