

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-44
HOUSE BILL 236

AN ACT TO INCORPORATE THE CITY OF TRINITY.

The General Assembly of North Carolina enacts:

Section 1. (a) The Randolph County Board of Elections shall conduct an election on July 8, 1997, for the purpose of submission to the qualified voters of the area described in Section 2-1 of the Charter of the City of Trinity, the question of whether or not such area shall be incorporated as the City of Trinity. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

(b) In the election, the question on the ballot shall be:

"[] FOR [] AGAINST
Incorporation of the City of Trinity".

Section 2. In the election, if a majority of the votes are cast "FOR Incorporation of the City of Trinity", Sections 3 through 5 of this act become effective on the date of the certification of the results of the election. Otherwise, Sections 3 through 5 of this act have no force and effect.

Section 3. A Charter of the City of Trinity is enacted as follows:

"THE CHARTER OF THE CITY OF TRINITY.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1-1. The inhabitants of the City of Trinity are a body corporate and politic under the name 'City of Trinity'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Section 2-1. **City Boundaries.** Until modified in accordance with the law, the boundaries of the City of Trinity are as follows:

That area set out as the corporate limits of the City of Trinity on a boundary map recorded at Book 47, Page 98, Randolph County Registry.

"CHAPTER III.

"GOVERNING BODY.

"Section 3-1. **Structure of the Governing Body; Number of Members.** The governing body of the City of Trinity is the City Council which has eight members.

"Section 3-2. **Manner of Electing Council.** The city is divided into four wards, each with two members, and the qualified voters of the entire city elect candidates who reside in that ward for the seats apportioned to that ward. Each ward shall have the same number of persons as nearly as practicable.

"Section 3-3. **Term of Office of Council Members.** Members of the Council are elected to four-year terms. In 1997, two persons shall be elected for each ward. The candidate in each ward receiving the highest number of votes is elected to a four-year term, and the candidate receiving the next highest number of votes is elected to a two-year term. In 1999 and biennially thereafter, one member shall be elected from each ward for a four-year term.

"Section 3-4. **Mayor; Term of Office.** In 1997 and quadrennially thereafter, the Mayor shall be selected by the qualified voters of the city for a four-year term.

"Section 3-5. **Vacancies.** Notwithstanding G.S. 160A-63, any person appointed to fill a vacancy in the City Council or as Mayor shall serve for the remainder of the unexpired term.

"CHAPTER IV.

"ELECTIONS.

"Section 4-1. Election of the Mayor and Council members shall be on a nonpartisan plurality basis and the results determined in accordance with G.S. 163-292.

"Section 4-2. Election results shall be determined by the Randolph County Board of Elections according to Chapter 163 of the General Statutes.

"CHAPTER V.

"ADMINISTRATION.

"Section 5-1. **Mayor-Council Plan.** The City of Trinity shall operate under the Mayor-Council Plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"CHAPTER VI.

"OTHER PROVISIONS.

"Section 6-1. **Open Meetings.** Notwithstanding Article 33C of Chapter 143 of the General Statutes, the City Council may not hold a closed session.

"Section 6-2. **Council Votes.** The ayes and noes shall be recorded upon all ordinances and resolutions and entered upon the minutes of the Council. The ordaining clause of all ordinances shall be 'Be it ordained by the City Council of the City of Trinity.'"

Section 4. From the effective date of this Charter until the organizational meeting of the City Council after the 1997 municipal election, the members of the Council shall be: Paul Guthrie, Jerry Royals, Barbara Ewings, Larry Overcash, Kenneth Orr, Pam Goins, and Dean Spinks. They shall elect from among their membership a Chairman, who shall have the powers of the Mayor until a Mayor is elected and qualifies at the organizational meeting after the 1997 municipal election.

Section 5. (a) The City Council shall, no later than August 8, 1997, adopt a plan to divide the city into four wards for the purpose of elections as provided in

Section 3-2 of the Charter. The plan shall immediately be transmitted to the Randolph County Board of Elections.

(b) Notwithstanding G.S. 163-294.2, the filing period for Mayor and City Council for the 1997 municipal election shall open at 12:00 noon on the business day after the plan required by subsection (a) of this section is adopted and shall close at 12:00 noon on the third Friday thereafter.

Section 6. (a) From and after the effective date of the Charter, the citizens and property in the City of Trinity shall be subject to municipal taxes levied for the year beginning July 1, 1997, and for that purpose the City shall obtain from Randolph County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1997; and the businesses in the City shall be liable for privilege license tax from the effective date of the privilege license tax ordinance.

(b) The City may adopt a budget ordinance for fiscal year 1997-98 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 1997-98, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 1997.

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

In the General Assembly read three times and ratified this the 12th day of May, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives