

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 268

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

Sponsors: Representative Bumgardner.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government I, if favorable, Finance

March 8, 2017

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF BELMONT.

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF BELMONT.

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

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

"Section 1.2. **Powers.** The City shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the City of Belmont 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 City and as they may be altered from time to time in accordance with law. An official map of the City, showing the current municipal boundaries, shall be maintained permanently in the office of the City 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 Gaston County Register of Deeds, and the Gaston County Board of Elections.

"ARTICLE II. GOVERNING BODY.

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

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

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

"Section 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability, in accordance



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1 with general law. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the
2 Council.

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

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

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

13 "ARTICLE III. ELECTIONS.

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

18 "Section 3.2. **Election of Mayor.** A Mayor shall be elected in the regular municipal election in
19 2017 and every four years thereafter.

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

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

27 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

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

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

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

41 "Section 4.4. **Manager's Personnel Authority; Role of Elected Officials.** As chief
42 administrator, the City Manager shall have the power to appoint, suspend, and remove all
43 nonelected officers, department heads, and employees of the City, with the exception of the City
44 Attorney and any other official whose appointment or removal is specifically vested in the Council
45 by this Charter or by general law. Neither the Mayor nor the Council nor any of its committees or
46 members shall take part in the appointment or removal of nonelected officers, department heads,
47 or employees in the administrative service of the City, except as provided by this Charter. Except
48 for the purpose of inquiry, or for consultation with the City Attorney, the Mayor and the Council
49 and its members shall deal with officers and employees in the administrative service only through
50 the Manager, Acting Manager, or Interim Manager, and neither the Mayor nor the Council nor any

1 of its members shall give orders or directions to any subordinate of the Manager, Acting Manager,
2 or Interim Manager, either publicly or privately.

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

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

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

12 "ARTICLE V. ADDITIONAL AUTHORITY.

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

19 "Section 5.2. **Occupancy Tax.** The City may continue to levy an occupancy tax as provided in
20 Session Laws 2005-220 and any subsequent acts.

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

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

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

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

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

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

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

38 Chapter 189 of the Private Laws of 1913

39 Chapter 172 of the Private Laws of 1915

40 Chapter 184 of the Private Laws of 1925

41 Chapter 52 of the Private Laws of 1933

42 Chapter 38 of the 1945 Session Laws

43 Chapter 568 of the 1945 Session Laws

44 Chapter 419 of the 1967 Session Laws

45 Chapter 930 of the 1969 Session Laws

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

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

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

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

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

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

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