

NORTH CAROLINA GENERAL ASSEMBLY  
1965 SESSION

CHAPTER 827  
HOUSE BILL 989

AN ACT TO AUTHORIZE AN ELECTION IN THE TOWN OF SMITH FIELD  
UPON THE QUESTION OF ADOPTING THE COUNCIL MANAGER FORM OF  
GOVERNMENT.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the Town of Smithfield may at any time subsequent to the date of the ratification of this Act cause to be submitted to the qualified voters of the Town of Smithfield at a special election a proposal to amend the Charter of the Town of Smithfield, Chapter 219, Private Laws of North Carolina, 1911, to adopt the Council-Manager Form of Government, which if approved by the voters would provide for the following:

"The Charter of the Town of Smithfield, Chapter 219, Private Laws of North Carolina, 1911, as amended, is hereby further amended by striking out Section 42 as the same appears therein and inserting in lieu thereof a new Section 42 which shall read as follows:

"Sec. 42. The Board of Commissioners of the Town of Smithfield shall appoint a town manager who shall be the administrative head of the town government responsible for the administration of all departments. The town manager shall be appointed with regard to merit only, and he need not be a resident of the town at the time of his appointment. He shall hold office during the pleasure of the Board of Commissioners and shall receive such compensation as it shall fix by ordinance.

"The town manager so appointed shall (1) be the administrative head of the town government; (2) see that within the town the laws of the State and the ordinances, resolutions, and regulations of the governing body are faithfully executed; (3) attend all meetings of the Board of Commissioners, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the Board of Commissioners from time to time upon the affairs of the town, keep the Board fully advised of the town's financial condition and its future financial needs; (5) appoint and remove all employees of the town, not including, however, the town attorney, the town auditor, members of committees and commissions, now appointed by the Board of Commissioners in conformity with other sections of the Charter and present ordinances of the town; and all appointments and removals made by the manager shall be reported to the Board of Commissioners at the next meeting thereof following such appointments or removals; (6) and perform all other duties as may be required by the Board of Commissioners."

Sec. 2. The special election authorized by this Act shall be conducted and the result thereof determined and declared by the Board of Commissioners of the Town of Smithfield as is now provided by law for the election of the Mayor and members of the Board of Commissioners, and all other matters pertaining to said election shall be as provided by law for the conduct of special elections applicable to municipalities in this State. At such election ballots shall be provided containing the words "For Council-Manager Form of Government," and "Against Council-Manager Form of Government." If a majority of the votes cast at such special election shall be "For Council-Manager Form of Government," the same shall become effective and be operative in the Town of Smithfield from and after the next succeeding first day of July and from and after this date Chapter 219, Private Laws of North Carolina, 1911, shall be amended as provided for in Section 1 of this Act. If a majority of the votes cast shall be "Against Council-Manager Form of Government," such proposal shall be null and void and Section 42 of Chapter 219, Private Laws of North Carolina, 1911, shall not be stricken as provided for herein but said Section shall remain in full force and effect and the government of the Town of Smithfield shall continue in the manner as provided by law on the effective date of this Act.

Sec. 3. All laws, ordinances, resolutions, orders, or other lawful regulations of the Town of Smithfield, existing at the time said Council-Manager Form of Government becomes effective, shall continue in full force and effect until repealed, modified, or superseded as provided by law.

Sec. 4. All laws and clauses of laws in direct conflict with provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1965.