

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 470

Short Title: Summerfield Council Removal.

(Local)

Sponsors: Representative Decker.

Referred to: Ways and Means.

March 17, 1999

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF SUMMERFIELD TO
ALLOW THE GOVERNING BODY TO REMOVE MEMBERS FOR
MISCONDUCT AND TO ALLOW A RECALL ELECTION.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Summerfield, being Chapter 426 of the
1995 Session Laws, is amended by adding a new Chapter to read:

"CHAPTER VI.

"REMOVAL.

"Sec. 6-1. **Removal by the Governing Body.** The governing body, after a removal
hearing and an affirmative vote of three-fourths of its members, may remove from office
a member of the Town Council or the Mayor for any of the reasons set forth in Article
VI, Section 8 of the North Carolina Constitution. A member of the Town Council or the
Mayor may initiate removal by making, at a meeting of the governing body, a motion
calling for the removal of an officer. The motion shall specify the grounds on which
removal is sought. The Town Clerk shall cause written notice of the motion and a copy
of the charges to be given to the officer against whom removal is sought at least 10 days
before the removal hearing. At the removal hearing, the officer shall have the right to be
heard in person and through counsel in the officer's defense. If a member of the Town

1 Council or the Mayor is removed, the vacancy shall be filled in accordance with the
2 provisions of G.S. 160A-63.

3 "Sec. 6-2. **Recall.** The Mayor and members of the Town Council are subject to
4 removal pursuant to this section. An officer is removed upon the filing of a sufficient
5 recall petition and the affirmative vote of a majority of those voting on the question of
6 removal at a recall election.

7 A recall petition shall be filed with the Town Clerk, who shall immediately forward
8 the petition to the board of elections that conducts elections for the Town of
9 Summerfield. A petition to recall the Mayor or a member of the Town Council shall bear
10 the signatures equal in number to at least twenty-five percent (25%) of the registered
11 voters of the Town of Summerfield.

12 The board of elections shall verify the petition signatures. If a sufficient recall
13 petition is submitted, the board of elections shall certify its sufficiency to the governing
14 body, and the governing body shall adopt a resolution calling for a recall election to be
15 held not less than 60 days nor more than 100 days after the petition has been certified to
16 the governing body. The election may be held separately or at the same time as any other
17 general or special election within the period established in this section, and shall be held
18 as otherwise provided in G.S. 163-287. The board of elections shall conduct the recall
19 election. The proposition submitted to the voters shall be substantially in the following
20 form:

21 'FOR the recall of [name of officer]

22 AGAINST the recall of [name of officer]'

23 The registered voters of the Town of Summerfield are eligible to vote in an election to
24 recall the Mayor or a member of the Town Council.

25 If less than a majority of the votes cast on the question are for the officer's recall, the
26 officer continues in office. If a majority of the votes cast on the question are for the
27 officer's recall, the officer is removed on the date the board of elections certifies the
28 results of the election. A vacancy created by removal of a member of the Town Council
29 or the Mayor shall be filled in accordance with the provisions of G.S. 160A-63.

30 No petition to recall an officer may be filed within six months after the officer's
31 election to the governing body nor within six months before the expiration of the officer's
32 term. No more than one election may be held to recall an officer within a single term of
33 office of that officer."

34 Section 2. This act is effective when it becomes law.