

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 162*

Short Title: City of Morganton/Charter Amendments. (Local)

Sponsors: Representative Blackwell.

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

Referred to: Local Government, if favorable, Rules, Calendar, and Operations of the House

March 1, 2021

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF MORGANTON TO CLARIFY
THE TIME PERIOD FOR FILLING VACANCIES IN THE OFFICE OF MAYOR, TO
PROVIDE THAT THE CITY MANAGER SHALL APPOINT THE CITY CLERK, AND
TO MAKE TECHNICAL CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2.14 of the Charter of the City of Morganton, being Chapter 180 of the 1975 Session Laws, as amended by S.L. 1998-81, reads as rewritten:

"Sec. 2.14. Vacancy; absence or disability. – (a) A vacancy in the office of Mayor shall exist when a duly elected person fails to qualify or when a person who has been elected and has qualified dies, resigns, or no longer meets the requirements of Section 2.11 of this Charter, or is recalled. If a vacancy occurs in the office of Mayor, the Council ~~shall~~ shall, by majority ~~vote~~ vote, within 90 days following the date the vacancy occurs, appoint some qualified person to fill the office for the remainder of the unexpired term. The Mayor Pro Tempore shall discharge the powers and duties of the office of Mayor until the office is filled, ~~and he and~~, during such period of service, shall receive the same compensation as received by the office of ~~Mayor during such period of service.~~ Mayor. The council seat of Mayor Pro Tempore is not vacant during any period in which the Mayor Pro Tempore discharges powers and duties of the office of Mayor.

(b) During the period of absence or disability of the Mayor, the Mayor Pro Tempore shall perform the powers and duties of the ~~Mayor during the period that such absence or disability exists.~~ Mayor. The inability of the Mayor to perform the duties of ~~his~~ the office shall be determined by the Council in accordance with the provisions of ~~G.S. 160A-70, except that the vote of the Mayor is not required in any such determination.~~ G.S. 160A-70."

SECTION 2. Section 2.15 of the Charter of the City of Morganton, being Chapter 180 of the 1975 Session Laws, as amended by Chapter 202 of the Session Laws of 1983, reads as rewritten:

"Sec. 2.15. Powers and duties. – (a) The Mayor shall be the official head of the City government. Consistent with the provisions of this Charter, ~~he~~ the Mayor shall be vested with all of the powers, duties, rights, privileges and immunities granted to and conferred on Mayors of Cities by the General Laws of North Carolina.

...

(d) The Mayor shall be authorized to appoint ~~for his information and assistance~~, advisory boards, commissions, and committees, which shall be answerable to ~~him~~, the Mayor, but whose actions shall be advisory in nature.



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1 (e) The Mayor shall perform such other duties consistent with this Charter as may be
2 conferred upon ~~him~~ the Mayor by ordinance of the Council."

3 **SECTION 3.** Section 3.12 of the Charter of the City of Morganton, being Chapter
4 180 of the 1975 Session Laws, as amended, is repealed.

5 **SECTION 4.** Chapter 2 of Article IV of the Charter of the City of Morganton, being
6 Chapter 180 of the 1975 Session Laws, as amended, reads as rewritten:

7 "Chapter 2. City Manager.

8 "Sec. 4.11. Appointment, qualifications, term. – The Council shall appoint a City Manager
9 to serve at its pleasure. The City Manager shall be appointed solely on the basis of his or her
10 executive and administrative qualifications, and ~~he~~ need not be a resident of the City or State
11 when appointed.

12 "Sec. 4.12. Chief executive officer. – The City Manager shall be the chief executive officer
13 of the City government. He or she shall be responsible to the Council for the proper and efficient
14 administration of the City government.

15"

16 **SECTION 5.** Section 4.21 of the Charter of the City of Morganton, being Chapter
17 180 of the 1975 Session Laws, as amended, reads as rewritten:

18 "Sec. 4.21. City Clerk. – ~~The Council shall designate the City Manager as City Clerk. He~~
19 ~~shall be responsible for keeping a journal of the proceedings of the Mayor and Council and~~
20 ~~maintaining, in a safe place, all records and documents pertaining to the affairs of the City. The~~
21 ~~manager shall be authorized to delegate his responsibilities as City Clerk. The City Manager shall~~
22 appoint a City Clerk to serve at the City Manager's pleasure. The City Clerk shall act as secretary
23 to the City Council, keep the originals of all ordinances in a book especially provided for that
24 purpose, be responsible for giving notice of all meetings of the Council, keep a journal of the
25 proceedings of the Mayor and Council, maintain in a safe place all records and documents
26 pertaining to the affairs of the City, and perform any other duties that may be required by law,
27 by the Council, or by the City Manager. The City Manager may appoint or provide for one or
28 more deputy City Clerks who shall have full authority to exercise and perform any of the powers
29 and duties of the City Clerk that the City Manager may specify."

30 **SECTION 6.** Chapter 5 of Article IV of the Charter of the City of Morganton, being
31 Chapter 180 of the 1975 Session Laws, as amended, reads as rewritten:

32 "Chapter 5. Boards and Commissions.

33 "Sec. 4.41. General provisions. – ~~(a) Except as prescribed by General Law or special act of~~
34 ~~the General Assembly, the voting members of the Council (not including the Mayor, except in~~
35 ~~case of equal division) shall have the authority to create commissions, councils or boards which~~
36 shall perform duties prescribed by the Council, including, but not limited to, making studies,
37 conducting research and investigations, holding hearings, and preparing recommendations as to
38 needed ordinances and resolutions; provided, the voting members of the Council shall be
39 authorized to designate and name certain boards, commissions and committees to be appointed
40 solely by the Mayor.

41 "Sec. 4.42. Composition; appointment; bylaws. – (a) Except as otherwise provide by law,
42 the voting members of the Council ~~(not including the Mayor, except in case of equal division)~~
43 shall have the authority to provide for the manner of appointment, makeup and composition of
44 such commissions, councils or boards, the periods of existence of same, and for the compensation
45 of such members and employees of same, in whole or in part. The Council may provide by
46 ordinance for reimbursement of the actual and necessary expenses incurred by the members
47 thereof in the performance of their official duties. The Council shall have the authority to
48 annually appropriate and donate money derived from contributions and other nontax revenues
49 for and to such commissions, councils and boards to provide for their operation, either in whole
50 or in part.

51 ...

1 (c) Any member of a board or commission may be removed from office for cause by a
2 majority vote of all of the ~~voting council members.~~Council.
3"

4 **SECTION 7.** This act is effective when it becomes law.