

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 2021**

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**SENATE BILL 150\***

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

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Sponsors: Senator Daniel (Primary Sponsor).

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Referred to: Rules and Operations of the Senate

February 25, 2021

1                   **A BILL TO BE ENTITLED**

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

6   The General Assembly of North Carolina enacts:

7       **SECTION 1.** Section 2.14 of the Charter of the City of Morganton, being Chapter  
8   180 of the 1975 Session Laws, as amended by S.L. 1998-81, reads as rewritten:

9       "Sec. 2.14. Vacancy; absence or disability. – (a) A vacancy in the office of Mayor shall exist  
10   when a duly elected person fails to qualify or when a person who has been elected and has  
11   qualified dies, resigns, or no longer meets the requirements of Section 2.11 of this Charter, or is  
12   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  
13   the office for the remainder of the unexpired term. The Mayor Pro Tempore shall discharge the  
14   powers and duties of the office of Mayor until the office is filled, ~~and he and, during such period~~and ~~of service~~the Mayor during such period of service.~~Mayor~~. The council seat of Mayor Pro Tempore is not vacant during any period  
15   in which the Mayor Pro Tempore discharges powers and duties of the office of Mayor.

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

20       **SECTION 2.** Section 2.15 of the Charter of the City of Morganton, being Chapter  
21   180 of the 1975 Session Laws, as amended by Chapter 202 of the Session Laws of 1983, reads  
22   as rewritten:

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

27       ...  
28       (d) The Mayor shall be authorized to appoint ~~for his information and assistance~~, advisory  
29   boards, commissions, and committees, which shall be answerable to ~~him~~the Mayor, but whose  
30   actions shall be advisory in nature.

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



1           **SECTION 3.** Section 3.12 of the Charter of the City of Morganton, being Chapter  
2 180 of the 1975 Session Laws, as amended, is repealed.

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

5                 "Chapter 2. City Manager.

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

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

13                 ...."

14           **SECTION 5.** Section 4.21 of the Charter of the City of Morganton, being Chapter  
15 180 of the 1975 Session Laws, as amended, reads as rewritten:

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

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

30                 "Chapter 5. Boards and Commissions.

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

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

49                 ....

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

1       ...."

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