

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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PRINCIPAL CLERK

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SENATE BILL DRS45490-LMx-136A

Short Title: Nashville/Revised & Consolidated Charter. (Local)

Sponsors: Senator Barnes (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
3 NASHVILLE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. The Charter of the Town of Nashville is revised and consolidated to
6 read:

7 "THE CHARTER OF THE TOWN OF NASHVILLE.

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

9 "Section 1.1. **Incorporation.** The Town of Nashville, in Nash County, North Carolina, and
10 the inhabitants thereof, shall continue to be a municipal body politic and corporate under the
11 name of the "Town of Nashville," hereinafter referred to as the "Town."

12 "Section 1.2. **Grant and Exercise of Powers.** (a) General Powers. The Town shall
13 continue to be vested with all of the property and rights in property belonging to the Town; shall
14 have perpetual succession; may sue and be sued; may contract and be contracted with; may
15 acquire and hold any property, real and personal, devised, bequeathed, sold, or in any manner
16 conveyed, dedicated to, or otherwise acquired by them; and, from time to time, may hold, invest,
17 sell, or dispose of the same; may have a common seal, and alter and renew the same at will. The
18 enumeration of any particular powers, rights, or authorities shall not be held or deemed to be
19 exclusive. In addition to any powers, rights, or authorities enumerated or implied under this
20 Charter, the Town shall have and may exercise all the powers, functions, duties, rights, privileges,
21 and immunities of every kind and nature whatsoever conferred upon the Town under the general
22 laws of the State of North Carolina, local acts applicable to the Town, and this Charter.

23 (b) Manner of Exercise. All powers of the Town, whether expressed or implied, shall be
24 exercised in the manner prescribed by the general laws of the State of North Carolina, local acts
25 applicable to the Town, and this Charter or, if not prescribed therein, in the manner provided by
26 ordinance, resolution, or other official act of the Town's governing body.

27 "Section 1.3. **Corporate Boundaries.** The corporate boundaries of the Town shall be those
28 existing on the effective date of this Charter, as the same may be modified and updated from time
29 to time. The official corporate limits shall be set forth and delineated either on the official map
30 of the Town corporate limits, by a written narrative description of the corporate limits, or through
31 a combination of such techniques. Such official description of the corporate limits shall be kept
32 and retained permanently in the office of the Town Clerk. Modifications to the official corporate
33 limits shall be indicated by appropriate entries upon, or additions to, the map or description, made
34 by or under the direction of the Town Clerk, in the manner prescribed by law. Upon alteration of
35 the corporate limits pursuant to law, the appropriate changes to the official map shall be made,



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1 and copies shall be filed in the office of the Secretary of State, the Nash County Register of
2 Deeds, and the Nash County Board of Elections.

3 "ARTICLE II. EXPANSION OF CORPORATE BOUNDARIES.

4 "Section 2.1. **Annexation in General.** The Town may alter and expand its corporate
5 boundaries as authorized by and in accordance with the general laws governing municipal
6 annexations.

7 "Section 2.2. **Annexation of Noncontiguous Areas.** The provisions of
8 G.S. 160A-58.1(b)(5) do not apply to the Town.

9 "ARTICLE III. GOVERNING BODY.

10 "Section 3.1. **Mayor and Council; Powers.** The Town Council (hereinafter "Council") and
11 the Mayor shall be the governing body of the Town of Nashville. The Council shall consist of
12 four members and the Mayor, each to be elected at large in the manner provided in Article IV of
13 this Charter. All powers of the Town shall be vested in and exercised by the Mayor and Council.

14 "Section 3.2. **Terms of Mayor and Council.** The Mayor shall be elected to serve for a
15 four-year term as provided in Article IV of this Charter. Each Council member shall serve a
16 four-year term, and the terms shall be staggered as provided in Article IV of this Charter. The
17 Mayor and Council members shall continue to serve until their successors are chosen and
18 qualified.

19 "Section 3.3. **Duties of the Mayor; Mayor Pro Tempore.** (a) The Mayor shall preside at
20 all meetings of the Council; shall have a casting vote only in case of an equal division; shall be
21 recognized as the official head of the Town for all ceremonial purposes; shall have power to
22 administer oaths; shall execute all official instruments and documents of the Town, unless that
23 authority has been delegated to another official of the Town by the general laws of North Carolina
24 or a Town ordinance; and shall exercise such other powers and perform such other duties as are
25 or may be conferred and imposed upon the office of Mayor by the general laws of North Carolina,
26 this Charter, or the ordinances of the Town, not inconsistent therewith.

27 (b) In the time of an officially declared public emergency, the Mayor shall, to the extent
28 authorized by a duly adopted ordinance, exercise such powers as he or she shall deem necessary
29 and appropriate, not inconsistent with the provisions of applicable general law.

30 (c) At its first regular meeting following the regular municipal elections held as provided
31 in Article IV of this Charter, the Council shall choose one of its members to serve as Mayor Pro
32 Tempore. A Council member serving as Mayor Pro Tempore shall be entitled to vote on all
33 matters and shall be considered a Council member for all purposes, including whether a quorum
34 is present. In accordance with applicable general law, in the event of the absence or disability of
35 the Mayor, the duties of the office of Mayor shall devolve upon the Mayor Pro Tempore and,
36 during such time, the Mayor Pro Tempore shall have all the power and authority conferred upon
37 by the office of Mayor by general or local law or the provisions of this Charter.

38 "Section 3.4. **Residency Qualification; Compensation; Vacancies.** (a) No person
39 shall be eligible to file for or be elected to the office of Mayor or Council, or to serve as such,
40 unless he or she is a qualified voter and resident of the Town.

41 (b) In accordance with general law, the Council may provide for and fix the amount of
42 compensation for Council members and the Mayor.

43 (c) If a Council member is disabled and unable to discharge the duties of his or her office,
44 the Council may choose some qualified person as the member's successor during the period of
45 disability. A person elected to fill a vacancy in the office of Council shall have all the power and
46 authority conferred by law to regularly elected members of the Council.

47 "Section 3.5. **Meetings; Procedure; Adoption of Ordinances; Organizational Meeting;**
48 **Oaths.** (a) The organizational meeting of the Council shall be held at the time of the first
49 regular meeting of the Council following each regular municipal election. At the organizational
50 meeting, or otherwise before entering upon the duties of their respective offices, the

1 Mayor-elect and each Council member-elect shall take an oath before a person authorized by
2 law to administer oaths to faithfully perform the duties of their respective offices.

3 (b) The Council shall fix suitable times for its regular meetings, which shall be at least
4 once each month. The Council may change the time of the regular meetings as it deems necessary.
5 Special meetings of the Council may be held in accordance with applicable general law
6 regarding: (i) the authority for special meetings; (ii) procedures for calling; (iii) notice of such
7 meetings; and (iv) conditions upon matters to be addressed at special meetings. Minutes shall be
8 kept of the proceedings of all regular and special meetings. Subject to applicable provisions of
9 the Open Meetings Law of North Carolina, all meetings of the Council shall be open to the public.
10 The Council shall have the authority to adopt rules of procedure not inconsistent with applicable
11 general law, provisions of this Charter, or generally accepted principles of parliamentary
12 procedure. The Council may, by ordinance or otherwise, establish rules for meetings which afford
13 a reasonable opportunity for members of the public to be heard on matters of concern.

14 (c) The Council may adopt and provide for the execution of such ordinances, resolutions,
15 rules, and regulations, not inconsistent with general law, local acts applicable to the Town, or the
16 provisions of this Charter, as may be necessary or appropriate for the preservation and promotion
17 of the health, safety, and welfare of the Town and its inhabitants.

18 "Section 3.6. **Quorum and Voting Requirements.** In the transaction of Council business,
19 the presence of a quorum, whether a Council member may be excused from voting on any matter,
20 and other voting rules and requirements shall be determined in accordance with applicable
21 provisions of general law.

22 "ARTICLE IV. ELECTIONS.

23 "Section 4.1. **Regular Municipal Elections.** Regular municipal elections shall be held in
24 each odd-numbered year in accordance with the uniform municipal election laws of North
25 Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using
26 the nonpartisan plurality method as provided in G.S. 163-292.

27 "Section 4.2. **Special Elections and Referenda.** Special elections and referenda may be held
28 only as provided by general law or local acts applicable to the Town.

29 "Section 4.3. **Election of Mayor.** A Mayor shall be elected every four years and shall serve
30 a four-year term.

31 "Section 4.4. **Election of Council.** All members of the Council shall be elected at large and
32 shall each serve a four-year term. In each odd-numbered year, two Council members shall be
33 elected by the qualified voters of the Town. The two candidates who receive the largest number
34 of votes shall be declared elected.

35 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

36 "Section 5.1. **Form of Government.** The Town shall operate under the council-manager
37 form of government in accordance with Part 2 of Article 7 of Chapter 160A of the General
38 Statutes.

39 "Section 5.2. **Powers and Duties of Town Manager.** The Town Manager shall be the chief
40 administrator of the Town. The Town Manager shall be responsible to the Council for
41 administering all municipal affairs placed in the Town Manager's charge by them, and the Town
42 Manager shall have the following powers and duties:

- 43 (1) To appoint and suspend or remove all Town officers and employees not
44 elected by the people, and whose appointment or removal is not otherwise
45 provided for by law, except the Town Attorney, in accordance with the general
46 personnel rules, regulations, policies, or ordinances as the Council may adopt.
- 47 (2) To direct and supervise the administration of all departments, offices, and
48 agencies of the Town, subject to the general direction and control of the
49 Council, except as otherwise provided by law.
- 50 (3) To attend all meetings of the Council and recommend any measures that the
51 Town Manager deems expedient.

- 1 (4) To see that all laws of the State, the provisions of this Charter, and the
2 ordinances, resolutions, and regulations of the Council are faithfully executed
3 within the Town.
4 (5) To prepare and submit the annual budget and capital program to the Council.
5 (6) To annually submit to the Council, and make available to the public, a
6 complete report on the finances and administrative activities of the Town as
7 of the end of the fiscal year.
8 (7) To make any other reports that the Council may require concerning the
9 operations of Town departments, offices, and agencies subject to the Town
10 Manager's direction and control.
11 (8) To perform any other duties that may be required or authorized by the Council.

12 "Section 5.3. **Acting Town Manager.** By letter filed with the Town Clerk, the Town
13 Manager may designate, subject to the approval of the Council, a qualified person to exercise the
14 powers and perform the duties of Town Manager during his or her temporary absence or
15 disability. During the Town Manager's absence or disability, the Council may, at any time, revoke
16 the designation of the person serving as Acting Town Manager and appoint another to serve in
17 that capacity until the Town Manager returns or his or her disability ceases.

18 "Section 5.4. **Interim Town Manager.** When the position of Town Manager is vacant, the
19 Council shall designate a qualified person to exercise the powers and perform the duties of Town
20 Manager until the vacancy is filled.

21 "Section 5.5. **Town Attorney; Appointment and Duties.** The Council shall appoint one or
22 more persons to serve as Town Attorney. The Town Attorney shall serve at the pleasure of the
23 Council and shall be its legal adviser. The Town Attorney shall also serve as legal counsel to
24 the Town and its departments and offices. As directed by the Council, the Town Attorney shall
25 represent the Town in all litigation and legal proceedings before courts of law, administrative
26 boards and commissions, and other legal tribunals. The Town Attorney shall perform such
27 other duties of a legal nature pertaining to the Town as may be directed by the Council, or as
28 may be imposed by law upon the Town Attorney. The Council may engage other attorneys to
29 provide legal services for the Town as it deems advisable.

30 "Section 5.6. **Clerk; Duties.** The Town Manager shall appoint a Clerk. The Clerk shall
31 provide notice of meetings and keep a journal of proceedings of the Council, be the custodian of
32 all Town records, and perform any other duties that may be required by law or the Town Manager.

33 "Section 5.7. **Finance Officer.** The Town Manager shall appoint a Finance Officer who shall
34 perform the duties prescribed by Chapter 159 of the General Statutes, the provisions of this
35 Charter, and such other duties as prescribed by law.

36 "Section 5.8. **Tax Collector.** The Town Manager shall appoint a Tax Collector to collect all
37 taxes owed to the Town, perform those duties specified in G.S. 105-350, and such other duties
38 as prescribed by law.

39 "Section 5.9. **Police Department.** The Town Manager shall appoint the Chief of Police. The
40 Chief of Police shall have immediate direction and control of the Police Department, subject to
41 the supervision of the Town Manager, and to such rules, regulations, and orders as the Town
42 Manager may prescribe. The Chief of Police and any officers in the police department shall have
43 and exercise all the powers and duties of law enforcement officers in accordance with law and
44 shall perform such other duties as may, from time to time, be prescribed by the Town Manager
45 not inconsistent with the Constitution and laws of the State of North Carolina and the provisions
46 of this Charter.

47 "Section 5.10. **Fire Department.** The Town Council may provide for the appointment of
48 fire protection personnel, including a fire chief, to provide fire suppression, fire prevention, first
49 responder, and related emergency response services for the Town. The Town Manager shall
50 appoint the Chief of the Fire Department. The Chief of the Fire Department and all officers of
51 the department shall have and exercise all the powers and duties of municipal fire personnel in

1 accordance with applicable general law, local acts applicable to the Town, and the provisions of
2 this Charter, and as directed by the Town Manager.

3 "Section 5.11. **Consolidation of Offices.** The Council may create, change, abolish, and
4 consolidate offices, positions, departments, councils, commissions, and agencies of Town
5 government and generally organize and reorganize Town government in order to promote orderly
6 and efficient administration of Town affairs, except as may be otherwise provided by this Charter
7 and by the applicable general laws of the State of North Carolina.

8 "ARTICLE VI. CONTRACTS AND FINANCE.

9 "Section 6.1. **Contracts.** All contracts awarded by the Town shall be executed in accordance
10 with the provisions of Chapter 143 of the General Statutes, local acts applicable to the Town, or
11 the provisions of this Charter.

12 "Section 6.2. **Official Depository for Town Funds; Control and Management of Town**
13 **Accounts.** All moneys received by the Town or in connection with the business of the Town
14 shall be paid promptly into the Town's depository as provided in G.S. 159-32, local acts
15 applicable to the Town, or the provisions of this Charter. The Town's official depository shall
16 be selected as provided in G.S. 159-31. All moneys and accounts of the Town shall be
17 maintained, managed, held, disbursed, and invested in accordance with the provisions of
18 Chapter 159 of the General Statutes, local acts applicable to the Town, or the provisions of this
19 Charter.

20 "Section 6.3. **Annual Audit.** The Town shall conduct an annual audit as prescribed by
21 G.S. 159-34."

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

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

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

32 Chapter 320 of the Session Laws of 1969

33 Chapter 71 of the Session Laws of 1971

34 Chapter 224 of the Session Laws of 1971

35 Chapter 343 of the Session Laws of 1973

36 Chapter 380 of the Session Laws of 1973

37 Chapter 394 of the Session Laws of 1977

38 Chapter 217 of the Session Laws of 1985

39 Chapter 30 of the Session Laws of 2008.

40 **SECTION 5.** The Mayor and members of the Council serving on the date of
41 ratification of this act shall serve until the expiration of their terms or until their successors are
42 elected and qualified. Thereafter, those offices shall be filled as provided in Articles III and VI
43 of the Charter contained in Section 1 of this act.

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

46 **SECTION 7.** All existing ordinances, resolutions, and other provisions of the Town
47 of Nashville not inconsistent with the provisions of this act shall continue in effect until repealed
48 or amended.

49 **SECTION 8.** Whenever a reference is made in this act to a particular provision of
50 the General Statutes and the provision is later amended, superseded, or recodified, the reference

1 shall be deemed amended to refer to the amended General Statute or to the General Statute that
2 most clearly corresponds to the statutory provision that is superseded or recodified.

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

7 **SECTION 10.** This act is effective when it becomes law. No action or proceeding
8 pending on the effective date of this act by or against the Town of Nashville or any of its
9 departments or agencies shall be abated or otherwise affected by this act.