

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 133  
SENATE BILL 147

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE CITY OF  
ROANOKE RAPIDS TO CALL AN ELECTION UPON THE QUESTION OF  
ADOPTING A CITY MANAGER FORM OF GOVERNMENT FOR THE CITY  
OF ROANOKE RAPIDS.

The General Assembly of North Carolina do enact:

Section 1. That after the ratification of this Act, the Board of Commissioners of the City of Roanoke Rapids may call an election at which there shall be submitted for determination by the qualified voters of the City of Roanoke Rapids voting in such election the question of the adoption of a form of government for the City of Roanoke Rapids known as "Plan D" as defined by Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act, which plan provides for a mayor, a city council and a city manager. At such election the question submitted to the qualified voters shall be the adoption of said "Plan D" form of government, as amended by this Act, for the City of Roanoke Rapids, in lieu of its present form of government.

Sec. 2. That the said election shall be called and conducted and the result thereof determined and declared by the Board of Commissioners of the City of Roanoke Rapids as is now provided by law for the election of the Mayor and members of the Board of Commissioners of the City of Roanoke Rapids, and the holding of said election and the canvassing of the returns and all other matters pertaining to said election shall be as provided by law for the election of the Mayor and Board of Commissioners of the City of Roanoke Rapids. At such election ballots shall be provided for the voters containing the words "For Plan D, City Government, with Mayor, Board of Commissioners and City Manager", and "Against Plan D, City Government, with Mayor, Board of Commissioners and City Manager". If a majority of the votes cast in said election shall be in favor of said "Plan D" form of government, the same shall become effective and be operative in the City of Roanoke Rapids from and after the next succeeding first day of July and the municipal year shall begin on that date.

Sec. 3. If said "Plan D" is adopted at such election, the government of the City of Roanoke Rapids and the general management and control of all its affairs shall be vested in a board of commissioners and mayor, elected as provided by the Charter of the City of Roanoke Rapids, and any amendment thereto. Thereafter the mayor and board of commissioners shall have and exercise all the powers and duties now or hereafter conferred upon them by the Charter of the City of Roanoke Rapids, any

amendments thereto, the general ordinances of the City of Roanoke Rapids and the provisions of the general law with reference to the powers and privileges of municipalities not inconsistent herewith. The Board of Commissioners of the City of Roanoke Rapids shall constitute its governing body and in the conduct of said "Plan D" government for the City of Roanoke Rapids, the board of commissioners shall have and exercise all such powers and duties, not inconsistent herewith, as are now conferred upon the board of commissioners by the Charter of the City of Roanoke Rapids, and its general ordinances and any amendments thereto.

Sec. 4. That in the event said "Plan D" form of government as amended by this Act, shall be adopted at said election, the board of commissioners shall appoint a city manager, who shall be the administrative head of the city government and who shall be responsible for the administration of all departments of the city government. He shall be appointed with regard to merit only and he need not be a resident of the City of Roanoke Rapids when appointed. He shall hold office during the pleasure of the board of commissioners and shall receive such compensation as it shall fix by ordinance.

Sec. 5. The city manager shall:

- (1) Be the administrative head of the city government;
- (2) See that within the city the laws of the State and the ordinances, resolutions, and regulations of the board of commissioners are faithfully executed;
- (3) Attend, at the request of the board of commissioners, all meetings of the board of commissioners, and recommend for adoption such measures as he may deem expedient;
- (4) Make reports to the board of commissioners from time to time upon the affairs of the city and keep the board of commissioners fully advised of the city's financial condition and its future financial needs;
- (5) Appoint and remove all employees of the city, not including, however, the city attorney, if any, the city clerk, the city auditor, members of committees and commissions, now appointed by the board of commissioners in conformity with the Charter and present ordinances of the city.

The city attorney, if any, the city clerk, the city auditor and the members of committees and commissions shall continue to be appointed by the board of commissioners. Every appointment and removal made by the city manager shall be reported to the board of commissioners at the next meeting thereof following any such appointment or removal.

The salaries and compensation of the officers and employees of the city shall be fixed by the board of commissioners and they shall perform such duties as may be required of them by the city manager, under general regulations of the board of commissioners and the general law.

Sec. 6. That in the event said "Plan D" form of government is adopted at such election, as amended by this Act, none of the legislative powers of the City of Roanoke Rapids or of its board of commissioners shall be abridged or impaired by this Act or by the adoption of said "Plan D" government for the City of Roanoke Rapids, and all such legislative powers shall continue to be possessed and exercised by the Board of Commissioners of the City of Roanoke Rapids. In addition, all ordinances, resolutions,

orders or other lawful regulations of the City of Roanoke Rapids, or of any authorized commission, committee, body or official thereof, existing at the time said "Plan D" is adopted and becomes effective shall continue in full force and effect until annulled, repealed, modified or superseded as provided by law.

Sec. 7. In the event said "Plan D" is adopted at such election, as amended by this Act, the board of commissioners shall continue to be the governing body of the City of Roanoke Rapids and the mayor and members of the board of commissioners shall be elected as now provided by the Charter of the City of Roanoke Rapids, and any amendments thereto, and the meetings of the board of commissioners and the business of the board of commissioners shall be held and transacted in accordance with the Charter and general ordinances of the City of Roanoke Rapids now in force or hereafter amended. Vacancies among any of the officials of the City of Roanoke Rapids, the salaries paid to any such officials, the designation and election of such officials shall all be filled, regulated and controlled in conformity with the Charter and ordinances of the City of Roanoke Rapids now in force or hereafter amended, except as modified or changed by the terms of this Act.

Sec. 8. In the event a majority of the votes cast in said election shall be against the question, the same question shall not be resubmitted to a vote within twelve (12) months of the time of said election; at any time thereafter, if twenty-five per cent (25%) of the qualified voters of the City of Roanoke Rapids sign petitions addressed to the Board of Commissioners of the City of Roanoke Rapids asking that other elections be held on the same question, then it shall be the duty of the Board of Commissioners of the City of Roanoke Rapids to order another election and to resubmit the question. Any subsequent election shall be held in accordance with the general laws applicable to the election of the Mayor and Commissioners of the City of Roanoke Rapids and in accordance with the provisions of this Act.

Sec. 9. If any part of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, the General Assembly expressly declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. 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 30th day of March, 1961.