

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 587
HOUSE BILL 884

AN ACT TO INCORPORATE THE VILLAGE OF COFIELD IN HERTFORD
COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The following provisions of law shall constitute the Charter of the Village of Cofield in Hertford County:

"THE CHARTER OF THE VILLAGE OF COFIELD

"ARTICLE I. INCORPORATION AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The inhabitants of the area described in Section 2.1 of this Charter shall be and constitute a body politic and corporate under the name of the 'Village of Cofield', and shall be vested with all property which may be acquired by the Village, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Village, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Village Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Village of Cofield shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES

"Section 2.1. Corporate Boundaries. The corporate boundaries of the Village of Cofield, until changed in accordance with law, extend outward one mile in all directions from the intersection of Secondary Road #1403 and North Carolina Highway #45, said

boundary being circular in shape with the center of said circle being the intersection of said secondary road and said highway.

"ARTICLE III. MAYOR AND VILLAGE COUNCIL

"Section 3.1. Temporary Officers. Until the initial election provided for by Section 4.1 of this Charter, James P. Boone is hereby appointed Mayor, and Jimmy B. Hoggard, Delaware Burke, Cecil Combo, Mrs. Jimmy L. Combo, and Mrs. Nellie G. Melton are hereby appointed Councilmen of the Village of Cofield, and they shall possess and may exercise the powers granted to the Mayor and Village Council until their successors are elected and qualify pursuant to this Charter.

"Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Village voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Village government and shall preside at all meetings of the Village Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Village. The Village Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Section 3.3. Composition of Village Council. The Village Council shall consist of five (5) members to be elected by and from the qualified voters of the Village voting at large in the manner provided by Article IV.

"Section 3.4. Terms; Qualifications; Vacancies. (a) Except for the initial terms of office hereinabove specified, the Mayor and the members of the Village Council shall serve for terms of two (2) years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

"(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Village Council, or to serve in such capacity, unless he is a resident and a qualified voter of the Village.

"(c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Councilman after election and qualification, the remaining members of the Council shall by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.

"Section 3.5. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the Village Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Village Council may establish and from time to time change the salaries of its members.

"Section 3.6. Organization of Council; Oaths of Office. The Village Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices,

the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: 'I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith and that I will faithfully perform the duties of the office of _____, on which I am about to enter, according to my best skill and ability; so held me, God.'

"Section 3.7. Meetings of Council. (a) The Village Council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Councilmen, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

"(b) All meetings of the Village Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Section 3.8. Quorum; Votes. (a) A majority of the members elected to the Village Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"(b) The affirmative vote of a majority of the members of the Village Council shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

"Section 3.9. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clause of all ordinances shall be: 'Be it ordained by the Village Council of the Village of Cofield'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, or unless some provision of the General Statutes provides otherwise.

"ARTICLE IV. ELECTION PROCEDURE

"Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year, beginning in 1971. In the regular election in 1971 and biennially thereafter, there shall be elected a Mayor and five (5) Councilmen for a term of two years.

"Section 4.2. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Councilman shall file with the Village Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than the eighth Friday nor later than five o'clock p.m. on the third Friday prior to the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of three dollars (\$3.00), shall be signed in the presence of the Village Clerk, and shall be substantially in the following form: 'I, _____, do hereby give notice that I am a candidate for election to the office of _____, Village of Cofield, to be voted on at the election to be held on _____, and I hereby

request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Village of Cofield, residing at _____.

(Signature) _____

(Date) _____.

"Section 4.3. Regulation of Elections. All municipal elections shall be conducted in accordance with Article 3, Chapter 160, of the General Statutes of North Carolina, except as otherwise herein provided.

"ARTICLE V. VILLAGE ATTORNEY

"Section 5.1. Appointment; Qualifications; Term; Compensation. The Village Council shall appoint a Village Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Village during his tenure. The Village Attorney shall serve at the pleasure of the Village Council and shall receive such compensation as the Council shall determine.

"Section 5.2. Duties of Village Attorney. It shall be the duty of the Village Attorney to prosecute and defend suits for and against the Village; to advise the Mayor, Village Council, and other Village officials with respect to the affairs of the Village; to draw all legal documents relating to the affairs of the Village; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Village may be concerned; to attend all meetings of the Village Council; and to perform such other duties as may be required of him by virtue of his position as Village Attorney.

"ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Section 6.1. Village Clerk. The Village Council shall appoint a Village Clerk to keep a journal of the proceedings of the Council and to maintain in a safe place all records and documents pertaining to the affairs of the Village, and to perform such other duties as may be required by law or as the Council may direct.

"Section 6.2. Village Tax Collector. The Village Council may appoint a Tax Collector to collect all taxes, licenses, fees, and other moneys belonging to the Village, subject to the provisions of this Charter and the ordinances of the Village, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Section 6.3. Village Accountant. The Village Council may appoint a Village Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

"Section 6.4. Consolidation of Functions. The Village Council may, in its discretion, consolidate the functions of any two or more of the positions of Village Clerk, Village Tax Collector, and Village Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Council may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 6.5. Other Employees. The Village Council may create and fill by appointment such other positions as it deems advisable to insure the efficient administration of the Village's affairs, and may, in its discretion, appoint a person to

supervise all Village departments and may delegate to such person the power of appointment and removal of department heads and employees, other than the Village Attorney.

"ARTICLE VII. FINANCE

"Section 7.1. Custody of Village Money. All moneys received by the Village for or in connection with the business of the Village government shall be paid promptly into the Village depository. Such institution shall be designated by the Village Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the Village shall accrue to the benefit of the Village. All moneys belonging to the Village shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

"Section 7.2. Issuance of Bonds. The Village may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

"Section 7.3. Purchases and Contracts. Purchases of apparatus, supplies, materials, and equipment, and contracts for construction or repair work, shall be made in accordance with the General Statutes of North Carolina relating thereto.

"Section 7.4. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Village government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the Village or of any of its officers. The Village Council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Village, and may be published if so ordered by the Village Council.

"Section 7.5. Taxation. The territory within the corporate limits, and its citizens and property, shall be subject to municipal taxes levied by the Village for the fiscal year 1969-70 and subsequent years. The Village may obtain from Hertford County, and the Hertford County Tax Supervisor shall provide upon request a record of property within the corporate limits which was listed for taxation as of January 1, 1969.

"ARTICLE VIII. CLAIMS AGAINST THE VILLAGE

"Section 8.1. Tort Claims. All claims or demands against the Village arising in tort shall be presented to the Village Council in writing, signed by the claimant or his attorney or agent, within ninety (90) days after such claim or demand is due or the cause of action accrues. No suit or action shall be brought on such a claim or demand within thirty (30) days or after the expiration of twelve (12) months from the time such claim or demand is presented. Unless the said claim or demand is so presented within ninety (90) days, and unless suit is brought within twelve (12) months thereafter, any action thereon shall be barred."

Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Act which can be given effect without

the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 23rd day of May, 1969.