

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-105
HOUSE BILL 1602

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
ROWLAND.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Rowland is revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF ROWLAND.

"ARTICLE 1. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

"Section 1.1 **Incorporation.** The Town of Rowland, North Carolina, in Robeson County, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name of the 'Town of Rowland', hereinafter at times referred to as the 'Town'.

"Section 1.2. **Powers.** The Town shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the Town of Rowland specifically by this Charter or upon municipal corporations by general law. The term 'general law' is employed herein as defined in G.S. 160A-1.

"Section 1.3. **Corporate Boundaries.** The corporate boundaries shall be those existing at the time of ratification of this Charter, as set forth on the official map of the Town and as they may be altered from time to time in accordance with law. An official map of the Town, showing the current municipal boundaries, shall be maintained in the office of the Town Clerk and shall be available for public inspection. Upon alteration of the corporate limits pursuant to law, the appropriate changes to the official map shall be made, and copies shall be filed in the office of the Secretary of State, the Robeson County Register of Deeds, and the appropriate board of elections.

"ARTICLE 2. GOVERNING BODY.

"Section 2.1. **Identification.** The Town Board of Commissioners hereinafter referred to as the 'Board', shall be the governing body of the Town.

"Section 2.2. **Composition; Terms of Office.** The Town Board shall be composed of four Commissioners to be elected by all the qualified voters of the Town voting at large for terms of four years, or until their successors are elected and qualified, and the Mayor.

"Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the qualified voters of the Town for a term of two years or until a successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at meetings of the Board, shall have the right to vote only when there is an equal

division on any question or matter before the Board, and shall exercise the powers and duties conferred by law or as directed by the Board.

"Section 2.4. **Qualifications for Office; Compensation; Vacancies.** The qualifications and compensation of the Mayor and Commissioners shall be in accordance with general law. In addition, no Mayor or Commissioner shall be qualified to hold office if that person: (i) is more than 30 days delinquent in the payment of any sum of money owed by that person to the Town of Rowland, (ii) has been convicted of any felony by any court of competent jurisdiction, (iii) has failed to attend more than three meetings of the Town Board of which that person has had proper notice. If the Town Board determines that one of the above-listed qualifications has been violated by a Commissioner or the Mayor and that such violation was within the control of the violator or that the violation can reasonably be expected to continue for an additional three months, the Board shall declare the position of the violator vacant and shall proceed to fill the vacancy. Vacancies shall be filled as provided below.

"Section 2.5. **Mayor Pro Tempore.** The Board shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or disability, in accordance with general law. While presiding at meetings of the Board, the Mayor Pro Tempore shall be entitled to cast his vote as a Commissioner, but shall not cast an additional deciding vote in the case of a tie vote. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the Board.

"Section 2.6. **Meetings.** In accordance with general law, the Board shall establish a suitable time and place for its regular meeting. Special and emergency meetings may be held as provided by general law. The quorum provisions of G.S. 160A-74 shall apply. Official action of the Board shall in every instance be by majority vote, provided that a quorum, consisting of a majority of the actual membership of the Board, is present. Vacant seats are to be subtracted from the normal Board membership to determine the actual membership.

"Section 2.7. **Quorum.** A majority of the actual membership of the council plus the Mayor (or the Mayor Pro Tempore), excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present. Any number of commissioner(s) attending a duly called meeting or public hearing may, by majority vote, with or without the presence of a presiding officer, recess the meeting or hearing to another time, without the necessity for additional publicity of the meeting or hearing.

"ARTICLE 3. ELECTIONS.

"Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using the nonpartisan election and runoff election method as provided in G.S. 163-279(a)(4) and G.S. 163-293.

"Section 3.2. **Election of Mayor.** A Mayor shall be elected in each regular municipal election.

"Section 3.3. **Election of Commissioners.** Two Commissioners shall be elected in each regular municipal election.

"Section 3.4. **Special Elections to Fill Vacancies.** If there is a vacancy in the office of Mayor or Commissioner after qualification or because of a refusal to qualify, a special election shall be called by the Town Board and shall be held to fill the vacancy. However, if the vacancy occurs after the opening date for filing of candidacy under the General Statutes in the year in which the term is to expire, no special election shall be held. In such case, the provisions of G.S. 160A-63 shall control. Candidates in any special election may file their notices of candidacy no earlier than noon on the tenth Friday preceding the special election and no later than noon on the seventh Friday preceding the special election.

"Section 3.5. **Other Special Elections and Referenda.** Except as specified above, special elections and referenda may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE 4. ORGANIZATION AND ADMINISTRATION.

"Section 4.1. **Form of Government.** The Town of Rowland shall operate under the Mayor-Council plan as provided by Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Section 4.2. **Town Clerk.** The Board shall appoint a Town Clerk to keep a journal of the proceedings of the Board, to maintain official records and documents, to give notice of meetings, and to perform such other duties as may be prescribed by law or assigned by the Town Board.

"Section 4.3. **Finance Officer.** The Town Board shall appoint a Finance Officer to perform the duties designated in G.S. 159-25 and such other duties as may be prescribed by law or assigned by the Town Board, subject to general law.

"Section 4.4. **Tax Collector.** The Board shall appoint a Tax Collector pursuant to G.S. 105-349 to collect all taxes owed to the Town and to perform such other duties as may be prescribed by law or assigned by the Town Board, subject to general law.

"Section 4.5. **Town Attorney.** The Board of Commissioners shall appoint a Town 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 Town during his tenure.

"Section 4.6. **Other Administrative Officers and Employees.** The Board may authorize other positions, subject to the requirements of general law.

"Section 4.7. **Consolidation of Functions.** The Board may consolidate any two or more of the following positions: Clerk, Tax Collector, Finance Officer, and officers and employees authorized under Section 4.6, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act.

"Section 4.8. **Bond of Officers.** The Finance Officer, Tax Collector, and all other employees of the Town whose duties require them to handle any funds of the Town, and such other officers and employees of the Town as the Board may by resolution determine, shall give bonds for the faithful performance of their duties. The Town Board shall require by resolution the giving and maintenance of all such bonds in

amounts adequate to protect the Town from loss. The premiums on such bonds shall be paid by the Town.

"ARTICLE 5. MISCELLANEOUS.

"Section 5.1. **Town Departments.** The Board of Commissioners may establish such departments to serve the Town as they deem appropriate.

"Section 5.2. **Conflicts of Interest.** Any officer, employee, Commissioner or Mayor who has a financial interest, direct or indirect, in any proposed contract with the Town or in a proposed sale of any land, material, supplies, or services to the Town or to a contractor supplying the Town, shall make known that interest and shall refrain from voting upon or otherwise participating in the making of such a contract or sale. If the Town Board determines that any officer, employee, Commissioner, or Mayor has willfully violated the requirements of this section, that person shall be removed by the Town Board from his office or position. Violation of this section with knowledge, expressed or implied, by the person or corporation contracting with or making a sale to the Town shall render the contract void.

"Section 5.3. **Construction Outside Corporate Limits.** In addition to any authority granted by general law, the Town is authorized to construct or reconstruct water and sewer lines and facilities outside the corporate limits of the Town as the Board may deem appropriate, to furnish water and sewer services to homeowners and industries outside the Town limits, and to make such charges for the services as the Board may deem reasonable.

"Section 5.4. **Severability of Provisions.** If any of this act or the application thereof to any person or circumstance is held invalid, 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."

Section 2. The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed:

- Chapter 266, Private Laws of 1889
- Chapter 149, Private Laws of 1909
- Chapter 155, Private Laws of 1909
- Chapter 51, Private Laws, Extra Session of 1913
- Chapter 217, Private Laws of 1915
- Chapter 46, Private Laws, Extra Session of 1920
- Chapter 74, Private Laws, Extra Session of 1920
- Chapter 110, Private Laws of 1925
- Chapter 135, Private Laws of 1933
- Chapter 66, Private Laws of 1935
- Chapter 123, Private Laws of 1935
- Chapter 306, Public-Local Laws of 1937
- Chapter 864, Session Laws of 1951
- Chapter 867, Session Laws of 1961, except for Section 1.

Section 3. This act does not repeal or affect any rights or obligations, nor any actions or proceedings previously established or currently pending. All existing

ordinances, resolutions, and other provisions of the Town of Rowland shall continue in effect until repealed or amended.

Section 4. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or remodified, the reference shall be deemed amended to refer to the amended General Statute or to the General Statute which most clearly corresponds to the statutory provision which is superseded or modified. No change in the General Statutes which conflicts with the provisions of this Charter shall supersede any provision of this Charter unless an intention to do so is expressly stated.

Section 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 18th day of August, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives