

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-99
SENATE BILL 294**

AN ACT AMENDING THE CHARTER OF THE TOWN OF CAJAH MOUNTAIN
TO CHANGE THE NAME OF THE BOARD OF ALDERMEN TO TOWN
COUNCIL AND THE TITLE OF THE CHAIRMAN TO MAYOR.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 1983-52, as amended by Section 35.4 of S.L. 1983-636 and S.L. 1989-19, reads as rewritten:

"Section 1. The Charter for the Town of Cajah Mountain shall be as follows:

"CHAPTER I.

"Incorporation and Corporate Powers.

"Section 1.1. Incorporation. The citizens of the area described in Chapter II of this act shall be and constitute a body politic and corporate under the name of 'Town of Cajah Mountain', and shall have all of the powers, authority, rights, privileges, and immunities conferred upon municipal corporations by the Constitution and general laws of North Carolina.

"Sec. 1.2. Powers. The Town shall have all the powers, duties, rights, privileges and immunities now vested in the Town and now or hereafter granted to municipal corporations by the Constitution, by the general laws of the State of North Carolina, and by this Charter. The Town shall exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, and general welfare of the Town and of its citizens, unless otherwise prohibited in this Charter.

"CHAPTER II.

"Corporate Boundaries.

"Sec. 2.1. Until changed in accordance with law, the boundaries of the Town are: Beginning at a point in the center of State Road 1169 at its junction with State Road 1276 a line in a Northwest direction 1175 feet to a point in the South shoulder of State Road 1153 at its junction with State Road 1001. From this point following the South shoulder of State Road 1153 in a Southwest direction 2,489 feet to a point in the shoulder of State Road 1153 at its junction with Bishop Drive. From this point, a line in a Southeast direction 1175 feet to a point in the center of Floral Drive at its dead end. From this point a line in a Southwest direction 4,414 feet to a point in the shoulder of State Road 1146 at its junction with the West leg of State Road 1154. From this point a line in a Southeast direction 6,300 feet of a point in the center of State Road 1134 at its junction with the East leg of State Road 1135. From this point a line in a Southwest direction 5,212 feet to a point in the center of State Road 1001, (the Wayne Beane-W. P.

Bolick Corner). From this point, a line in a Northeast direction 1,800 feet to a point in the center of State Road 1130, (the E. M. White-Donald Jolly corner). From this point, a line in a Northern direction 9,575 feet to a point in the center of State Road 1156 at its junction with State Road 1159. From this point, a line in a Northwest direction 5,600 feet to the beginning.

"CHAPTER III.

"Governing Body.

"Sec. 3.1. ~~Number of members.~~ Governing body. The governing body shall ~~consist~~ be a Town Council consisting of five members called ~~aldermen.~~ council members.

"Sec. 3.2. Manner of election of ~~aldermen.~~ council members. The qualified voters of the entire Town of Cahah Mountain shall elect the ~~aldermen.~~ members of the Town Council.

"Sec. 3.3. Term of office of ~~aldermen.~~ council members. Five aldermen are to be elected at the first regular Town election in November of 1983. The three persons who receive the highest number of votes shall serve a four-year term, and the two persons receiving the next highest number of votes shall serve a two-year term. The terms will continue to be staggered, with ~~ensuing~~ subsequent ~~aldermen and council members~~ being elected for four-year terms.

"Sec. 3.4. Mayor. ~~The Town of Cahah Mountain will not elect a mayor, but a chairman will be selected from the Board of Aldermen by the Board of Aldermen, whose duties will be the same as those duties a traditional mayor would perform.~~ The members of the Town Council shall elect a mayor from among their membership.

"Sec. 3.5. Recall. Any member of the ~~Board of Aldermen~~ Town Council may be removed from office in the following manner:

(1) Any elector of the Town may make and file with the Town Clerk an affidavit containing the name of the ~~alderman~~ council member whose removal is sought and a statement of the grounds alleged for his removal. The Clerk shall thereupon deliver to the elector making such affidavit copies of petition blanks for demanding such a removal, printed forms of which he shall keep on hand. Such blanks shall be issued by the Clerk with his signature thereto attached and shall be dated and addressed to the ~~Board of Aldermen,~~ Town Council, indicate the person to whom issued, and state the name of the officer whose removal is sought. A copy of the petition shall be entered in a record book kept for that purpose in the office of the Clerk. A recall petition to be effective must be returned and filed with the Clerk within 30 days after the filing of the affidavit and to be sufficient must bear the signature of at least thirty-three per centum (33%) of the registered voters of the Town as shown by the registration records for the last preceding general municipal election.

(2) If a recall petition shall be certified by the Clerk to be sufficient he shall at once submit it to the ~~Board of Aldermen~~ Town Council with his certificate to that effect and shall notify the officer whose removal is sought of such action. If the officer whose removal is sought does not resign within five days after such notice the ~~Board of Aldermen~~ Town Council shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than 70 nor more than 100 days after

the petition has been certified to the ~~Board of Aldermen~~Town Council and it may be held at the same time as any other general or special election within such period; but if no other election is to be held within such period the ~~Board of Aldermen~~Town Council shall call a special recall election to be held within the time aforesaid.

(3) The question of recalling any number of officers may be submitted at the same election, but as to each such officer a separate petition shall be filed and there shall be an entirely separate ballot.

(4) The ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer).

Against the recall of (name of officer).

Except that the spaces left for the name and date shall be filled by the correct names and date, the ballots used in a recall election shall be in form substantially as follows:

'RECALL ELECTION

Town of Cahah Mountain

_____ (Month and day of month) _____ 1920

For the recall of _____

Against the recall of _____.'

(5) If a majority of the votes cast on the question of recalling an officer be against his recall he shall continue in office for the remainder of the unexpired term, but subject to the recall as before. If a majority of such votes be for the recall of the officer designated on the ballot, he shall, regardless of any defects in the recall petition, be deemed removed from office.

(6) If an officer in regard to whom a sufficient recall petition is submitted to the ~~Board of Aldermen~~Town Council shall resign before the election, or be removed as a result thereof, the vacancy so caused shall be filled in the manner provided by this Charter for filling vacancies in such office, except as provided in subdivision (8) of this section. But an officer removed by the voters as the result of a recall election or resigning after a sufficient petition for his recall has been submitted to the ~~Board of Aldermen~~Town Council shall not be reelected to fill the vacancy caused by his own removal or resignation.

(7) No recall petition shall be filed against an officer within three months after he takes office, nor, in case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

(8) If the recall of a majority of the members of the ~~Board of Commissioners~~Town Council shall be effected at a single recall election, the successors of the officers recalled shall be elected by the registered, qualified voters of the Town at a special municipal election, and said successors shall serve for the unexpired part of the terms of the officers recalled. The members of the ~~Board of Aldermen~~Town Council who have not been recalled are empowered to call said special election and to make all necessary provisions regarding the same in conformity to the Constitution and general laws of North Carolina. If the recall of all of the members of the ~~Board of Aldermen~~Town Council shall be effected at a single recall election, they shall be continued in office for the purpose, and only for the purpose, of calling a special municipal election for the

election of their successors as above provided, and of ascertaining and declaring the result thereof.

"Sec. 3.6. Pay for ~~aldermen~~-council members. The ~~aldermen~~members of the Town Council shall receive no pay.

"CHAPTER IV.

"Elections.

"Sec. 4.1. Conduct of Town elections. The Town officers shall be elected on a nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292. Elections shall be conducted by the Caldwell County Board of Elections."

SECTION 2. The current members of the Board of Alderman shall continue in office as members of the Town Council until the conclusion of their terms of office. The current chairman of the Board of Aldermen shall continue in office as the mayor of the Town until the conclusion of his or her term of office. No action of the Board of Alderman shall be considered unlawful because of the provisions of this act.

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 12th day of July, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives