

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2021-42
HOUSE BILL 287**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
RANDLEMAN.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Randleman is revised and consolidated to read:

"THE CHARTER OF THE CITY OF RANDLEMAN.

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

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

"Section 1.2. **Powers.** The City shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the City 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 Limits.** The corporate limits shall be those existing at the time of ratification of this Charter, as set forth on the official map of the City and as such limits may be altered from time to time in accordance with law. An official map of the City, showing the current municipal boundaries, shall be maintained permanently in the office of the City 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 Randolph County Register of Deeds, and the Randolph County Board of Elections.

"ARTICLE II. GOVERNING BODY.

"Section 2.1. **City Governing Body; Composition.** The Board of Aldermen, hereinafter referred to as the "Board," and the Mayor shall be the governing body of the City of Randleman.

"Section 2.2. **Board; Composition.** The Board shall be composed of five members.

"Section 2.3. **Mayor; Duties.** The Mayor shall be the official head of the City government and 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. **Mayor Pro Tempore.** At the organizational meeting, the Board shall elect from among its members a Mayor Pro Tempore to serve at the pleasure of the Board. The Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered an Alderman for all purposes, including the determination of whether a quorum is present. In the absence of the Mayor, the Board may confer any of the Mayor's powers and duties upon the Mayor Pro Tempore. If the Mayor should become physically or mentally incapable of performing the duties of his or her office, the Board may, by unanimous vote, declare that the Mayor is incapacitated and confer any of the Mayor's powers and duties upon the Mayor Pro Tempore. Upon the Mayor's declaration that such incapacitation no longer exists, and with the concurrence of a majority of the Board, the Mayor shall resume the exercise of the Mayor's powers and duties. In the event



both the Mayor and the Mayor Pro Tempore are absent from a meeting, the Board may elect from its members a temporary chair to preside in such absences.

"Section 2.5. **Meetings.** In accordance with general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

"Section 2.6. **Quorum; Voting.** Official actions of the Board and all votes shall be taken in accordance with the applicable provisions of general law, particularly G.S. 160A-75. A majority of the actual membership of the Board plus the Mayor, 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 a quorum.

"Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation and qualifications of the Mayor and Board shall be in accordance with general law. Vacancies that occur in any elective office of the City shall be filled by majority vote of the remaining members of the Board and shall be filled in accordance with the provisions of G.S. 160A-63.

"ARTICLE III. 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 plurality method as provided in G.S. 163-292.

"Section 3.2. **Election of Aldermen.** One member of the Board shall be elected from each of the four wards and shall serve four-year staggered terms. One member of the Board shall be elected at-large and shall serve a four-year term.

"Section 3.3. **Election of Mayor.** A Mayor shall be elected every four years and shall serve a four-year term.

"Section 3.4. **Recall of Officials by the People.** The holder of any elective office may be removed, at any time, by the electors qualified to vote for a successor of such incumbent, as follows:

(a) Prior to circulating any petition under this section, it must be registered with the City Clerk, hereinafter referred to as the "Clerk," and the petition with signatures must be submitted to the Clerk within 30 days of that date in order to be considered.

(b) The procedure to affect the removal of the holder of an elective office shall be as follows: a petition demanding an election of a successor of the officer sought to be removed and signed by at least thirty percent (30%) of the total number of registered voters in the City shall be filed with the Clerk. In order to be effective, the petition when filed shall list both the name of the officer to be removed and the cause for removal. The cause for removal must relate to the misfeasance, malfeasance, or nonfeasance of the officer, or for personal conduct that brings the office into disrepute. The superior court shall have jurisdiction of issues relating to whether cause is sufficient.

(c) The signatures to the petition need not be on one petition paper, but each signer shall add to the signature that person's residential address. One or more of the signers of the petition shall take an oath before an officer competent to administer oaths that the statements therein made are true, as that person believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(d) Within 10 days from the date of filing such a petition, the Clerk shall examine the petition and the records of the Board of Elections to determine whether the petition is signed by the required number of qualified electors. The Clerk shall attach to the petition a certificate showing the results of such examination. If by the Clerk's certificate, the petition is deemed insufficient, it may be amended within 10 days from the date of the certificate. The Clerk shall, within 10 days after such amendment, examine the amended petition in the same fashion. If the Clerk's certificate deems the amended petition to be insufficient, the Clerk shall return it to the

person filing the same, but such return shall not prevent the filing of a new petition if it is otherwise allowed by this section. If the Clerk's certificate deems the amended petition to be sufficient, the Clerk shall without delay submit the same to the Board of Elections that conducts elections for the City.

(e) If the petition is deemed to be sufficient, the Board of Elections that conducts elections for the City shall set a date for holding an election for the remainder of the unexpired term, no greater than 90 days from the date of the Clerk's certificate. Candidate names shall be placed on the ballot, the election held, and the results canvassed in the same manner as provided for regular municipal elections in this Charter and in Chapter 163 of the General Statutes. Opening and closing dates for candidate filing shall be set by the Board of Elections, and notice of the election shall be published at least three days prior to the opening of candidate filing.

(f) The successor of any officer so removed shall hold office for the unexpired term of the predecessor. Any officer sought to be removed may be a candidate to succeed himself, and unless that officer requests otherwise in writing, the Board of Elections shall place the officer's name on the official ballot without filing. If the officer receives the most votes in the election, the officer shall continue the term of office. If a person other than the officer sought to be removed is elected, that officer shall be deemed removed from the office once the successor takes the oath of office.

(g) If the person elected fails to take the oath of office within 10 days after certification of the election returns, the office shall be deemed vacant and filled for the remainder of the unexpired term by the Board. The officer removed shall not be eligible to election by the Board, and the successor chosen by the Board shall be subject to recall as other elected officials.

(h) Such method of removal shall be cumulative and additional to any other method provided by law. In the event any officer is recalled, the elected successor shall be subject to recall in the same manner as the originally elected officer.

(i) Time limitation. No person shall be subject to recall if the petition is filed within six months of the person having taken office, within six months of a recall election, or within six months of the expiration of the term.

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Section 4.1. **Form of Government.** The City shall operate under the council-manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Section 4.2. **Powers and Duties of City Manager.** The City Manager shall be the chief administrator of the City. The City Manager shall be responsible to the Board for administering all municipal affairs placed in the City Manager's charge by them, and the City Manager shall have the following powers and duties:

- (1) To appoint and suspend or remove all City officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the City Attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the Board may adopt.
- (2) To direct and supervise the administration of all departments, offices, and agencies of the City, subject to the general direction and control of the Board, except as otherwise provided by law.
- (3) To attend all meetings of the Board and recommend any measures that the City Manager deems expedient.
- (4) To see that all laws of the State, the City Charter, and the ordinances, resolutions, and regulations of the Board are faithfully executed within the City.
- (5) To prepare and submit the annual budget and capital program to the Board.

- (6) To annually submit to the Board, and make available to the public, a complete report on the finances and administrative activities of the City as of the end of the fiscal year.
- (7) To make any other reports that the Board may require concerning the operations of City departments, offices, and agencies subject to the City Manager's direction and control.
- (8) To perform any other duties that may be required or authorized by the Board.

"Section 4.3. **Acting City Manager.** By letter filed with the Clerk, the City Manager may designate, subject to the approval of the Board, a qualified person to exercise the powers and perform the duties of City Manager during his or her temporary absence or disability. During this absence or disability, the Board may revoke that designation at any time and appoint another to serve until the City Manager returns or his or her disability ceases.

"Section 4.4. **Interim City Manager.** When the position of City Manager is vacant, the Board shall designate a qualified person to exercise the powers and perform the duties of City Manager until the vacancy is filled.

"Section 4.5. **City Attorney; Appointment and Duties.** The Board shall appoint a City Attorney to serve at its pleasure and to be its legal adviser.

"Section 4.6. **Clerk; Duties.** The City Manager shall appoint a Clerk. The Clerk shall provide notice of meetings and keep a journal of proceedings of the Board, be the custodian of all City records, and perform any other duties that may be required by law or the City Manager."

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

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

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

Chapter 209 of the Private Laws of 1905

Chapter 292 of the Private Laws of 1907

Chapter 89 of the Private Laws of 1935

Sections 2 through 7 of Chapter 470 of the 1947 Session Laws

Chapter 965 of the 1947 Session Laws

Sections 2 through 5 of Chapter 701 of the 1959 Session Laws

Chapter 402 of the 1967 Session Laws

Chapter 94 of the 2000 Session Laws.

SECTION 5. The Mayor and members of the Board serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified. Thereafter those offices shall be filled as provided in Article III of the Charter contained in Section 1 of this act.

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

SECTION 7. All existing ordinances, resolutions, and other provisions of the City of Randleman not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

SECTION 8. Whenever a reference is made in this act to a particular provision of the General Statutes and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute or to the General Statute that most clearly corresponds to the statutory provision that is superseded or recodified.

SECTION 9. If any provision of this act or application thereof is held invalid, such invalidity shall not affect other provisions or applications of this act that 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 10. This act is effective when it becomes law. No action or proceeding pending on the effective date of this act by or against the City of Randleman or any of its departments or agencies shall be abated or otherwise affected by this act.

In the General Assembly read three times and ratified this the 16th day of June, 2021.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives