

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1238*

Short Title: Monroe Charter Consolidation.

(Local)

Sponsors: Senators Plyler and Purcell.

Referred to: Finance.

May 16, 2000

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF MONROE.

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

"Section 1.1. **Incorporation.** The City of Monroe in Union County and the
inhabitants thereof shall continue to be a municipal body politic and corporate, under the
name of the 'City of Monroe,' 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 of Monroe 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 they
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

1 of the City Clerk and shall be available for public inspection. Upon alteration of the
2 corporate limits pursuant to law, the appropriate changes to the official map shall be
3 made and copies shall be filed in the office of the Secretary of State, the Union County
4 Register of Deeds, and the appropriate board of elections.

5 **"ARTICLE II. GOVERNING BODY.**

6 "Section 2.1. **City Governing Body; Composition.** The City Council, hereinafter
7 referred to as the 'Council,' and the Mayor shall be the governing body of the City.

8 "Section 2.2. **City Council; Composition; Terms of Office.** The Council shall be
9 composed of six members, to be elected by all the qualified voters of the City, for
10 staggered terms of four years or until their successors are elected and qualified.

11 "Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the
12 qualified voters of the City for a term of two years or until a successor is elected and
13 qualified. The Mayor shall be the official head of the City government and preside at
14 meetings of the Council; shall have the right to cast one vote, and one vote only, upon
15 any question or matter before the Council; and shall exercise the powers and duties
16 conferred by law or as directed by the Council.

17 "Section 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as
18 Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or
19 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such
20 capacity at the pleasure of the Council.

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

24 "Section 2.6. **Quorum; Voting.** Official actions of the Council and all votes shall be
25 taken in accordance with the applicable provisions of general law, including, but not
26 limited to, G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

27 "Section 2.7. **Compensation, Qualifications for Office; Vacancies.** The
28 compensation and qualifications of the Mayor and Council members shall be in
29 accordance with general law. Vacancies that occur in any elective office of the City shall
30 be filled by majority vote of the remaining members of the governing body and shall be
31 filled for the remainder of the unexpired term, notwithstanding the contrary provisions of
32 G.S. 160A-63.

33 **"ARTICLE III. ELECTION.**

34 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
35 held in each odd-numbered year in accordance with the uniform municipal election laws
36 of North Carolina. Elections shall be conducted on a nonpartisan basis and the results
37 determined using the nonpartisan election and runoff method as provided in G.S. 163-
38 293.

39 "Section 3.2. **Election of Mayor.** A Mayor shall be elected in each regular
40 municipal election. The Mayor serving on the date of ratification of this act shall serve
41 until the expiration of his or her term or until a successor is elected and qualified.

42 "Section 3.3. **Election of Council Members.** Three Council members shall be
43 elected at large in each regular municipal election, as the respective terms expire. The

1 council members serving on the date of ratification of this act shall serve until the
2 expiration of their terms or until their successors are elected and qualified.

3 "Section 3.4. **Special Elections and Referenda.** Special elections and referenda may
4 be held only as provided by general law or applicable local acts of the General Assembly.

5 **"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.**

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

9 "Section 4.2. **City Manager; Appointment; Powers and Duties.** The Council shall
10 appoint a City Manager who shall be responsible for the administration of all departments
11 of the City government. The City Manager shall have all the powers and duties conferred
12 by general law, except as expressly limited by the provisions of this Charter, and the
13 additional powers and duties conferred by the Council, so far as authorized by general
14 law.

15 "Section 4.3. **City Attorney.** The Council shall appoint a City Attorney licensed to
16 practice law in North Carolina. It shall be the duty of the City Attorney to represent the
17 City, advise City officials, and perform other duties as required by law or as the Council
18 may prescribe.

19 "Section 4.4. **City Clerk.** The Council shall appoint a City Clerk to keep a journal of
20 the proceedings of the Council, to maintain official records and documents, to give notice
21 of meetings, and to perform such other duties as required by law or as the Council may
22 prescribe.

23 "Section 4.5. **Chief of Police.** The Council shall appoint a Chief of Police to
24 maintain the peace and order of the community, enforce the laws, and perform such other
25 duties as required by law or as the Council may prescribe.

26 "Section 4.6. **Tax Collector.** The Council shall appoint a Tax Collector to collect all
27 taxes owed to the City, perform those duties specified in G.S. 105-350, and such other
28 duties as required by law or as the Council may prescribe.

29 "Section 4.7. **Other Administrative Officers and Employees.** The Council may
30 authorize other positions to be filled by appointment by the City Manager and may
31 organize the City government as deemed appropriate, subject to the requirements of
32 general law.

33 "Section 4.8. **Council-Manager Relationship.** The Council shall hold the City
34 Manager responsible for the proper management of the affairs of the City and he or she
35 shall keep the Council informed of the conditions and needs of the City and shall make
36 such reports and recommendations as may be requested by the Council or as he or she
37 may deem necessary. The City Manager shall have the authority to appoint and remove
38 all officers, department heads, and employees in the administrative service of the City,
39 except those provided in this Charter to be appointed and removed by the Council. The
40 City Manager shall have direct supervisory authority over the City Attorney, City Clerk,
41 Chief of Police, and Tax Collector in the performance of their respective duties and
42 responsibilities. Neither the Mayor, the City Council, nor any member thereof shall

1 direct the conduct or activities of any City employee, directly or indirectly, except
2 through the City Manager.

3 "Section 4.9. **Settlement of Claims by City Manager.** The Council may authorize
4 the City Manager to settle claims against the City for (i) personal injuries or
5 damages to property when the amount involved does not exceed the sum of five thousand
6 dollars (\$5,000) and does not exceed the actual loss sustained, including loss of time,
7 medical expenses, and any other expenses actually incurred; and (ii) the taking of small
8 portions of private property which are needed for the rounding of corners at intersections
9 of streets, when the amount involved in any such settlement does not exceed five
10 thousand dollars (\$5,000) and does not exceed the actual loss sustained. Settlement of a
11 claim by the City Manager pursuant to this section shall constitute a complete release of
12 the City from any and all damages sustained by the person involved in such settlement in
13 any manner arising out of the incident, occasion, or taking complained of. All such
14 settlements and all such releases shall be approved in advance by the City Attorney.

15 "ARTICLE V. STREETS AND SIDEWALKS.

16 "Section 5.1. **Assessments for Sidewalk or Curb and Gutter Improvements;**
17 **Petition Unnecessary.** In addition to any authority granted by general law, the Council
18 may levy special assessments for sidewalk improvements or repairs or curb and gutter
19 improvements or repairs without the necessity of a petition. Improvements or repairs
20 may be ordered according to standards and specifications of the City, and four-fifths of
21 the total costs assessed against abutting property, not including the cost of improvements
22 made at intersections, according to one or more of the assessment bases set forth in
23 Article 10 of Chapter 160A of the General Statutes. In ordering improvements or repairs
24 without a petition and assessing the costs thereof under authority of this Article, the
25 Council shall comply with the procedures provided by Article 10 of Chapter 160A of the
26 General Statutes, except those provisions relating to petitions of property owners and the
27 sufficiency thereof. The effect of levying assessments under authority of this Article
28 shall be the same as if the assessments were levied under Authority of Article 10 of
29 Chapter 160A of the General Statutes.

30 "Section 5.2. **Acquisition of Street Right-of-Way Outside City Limits.** The
31 authority of the City to acquire street right-of-way outside the corporate limits shall
32 continue as provided in Chapter 177, Session Laws of 1985.

33 "ARTICLE VI. POLICE.

34 "Section 6.1. **City Police/Service of Civil Process.** In addition to the authority
35 granted by G.S. 160A-285, City police officers shall have the power to serve civil
36 citations, notices, complaints, and orders issued by the governing body or by a public
37 officer of the City. Such authority shall exist within the corporate limits and the
38 extraterritorial police jurisdiction as defined in G.S. 160A-286.

39 "ARTICLE VII. BIDDING AND PROCUREMENT.

40 "Section 7.1. **Force Account Work.** The authority of the City to proceed under G.S.
41 143-135 when work is performed by appointed agents using labor crews and equipment
42 leased on a per diem basis shall continue as provided in Chapter 128, Session Laws of
43 1985.

1 "Section 7.2. **Natural Gas Purchases.** The authority of the City to purchase natural
2 gas for consumption or resale using the informal bidding procedure of G.S. 154-131 shall
3 continue as provided in Chapter 18, Session Laws of 1989.

4 **"ARTICLE VIII. FIREFIGHTERS' RETIREMENT FUND.**

5 "Section 8.1. **Fireman's Supplemental Retirement Fund.** The Monroe Fireman's
6 Supplemental Retirement Fund shall continue as authorized by Chapter 31, Session Laws
7 of 1975; Chapter 532, Session Laws of 1981; and any subsequent acts.

8 **"ARTICLE IX. ALCOHOLIC BEVERAGE CONTROL.**

9 "Section 9.1. **Alcoholic Beverage Control Stores.** Alcoholic Beverage Control
10 Stores shall operate within the City of Monroe as provided in Chapter 541, Session Laws
11 of 1963, as amended by Chapter 165, Session Laws of 1965; Chapter 197, Session Laws
12 of 1989; Chapter 32, Session Laws of 1993; and any subsequent acts."

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

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

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

23 Chapter 48, Private Laws of 1844-45

24 Chapter 239, Private Laws of 1848-49, except Section 1

25 Chapter 171, Private Laws of 1860-61

26 Chapter 83, Private Laws of 1872-73

27 Chapter 47, Private Laws of 1881, except Section 1

28 Chapter 12, Public Laws of 1887

29 Chapter 4, Private Laws of 1887

30 Chapter 89, Private Laws of 1887

31 Chapter 179, Private Laws of 1891

32 Chapter 48, Private Laws of 1893

33 Chapter 263, Private Laws of 1893

34 Chapter 78, Public Laws of 1897

35 Chapter 76, Private Laws of 1897

36 Chapter 127, Private Laws of 1897

37 Chapter 352, Private Laws of 1899

38 Chapter 434, Private Laws of 1901

39 Chapter 41, Private Laws of 1905

40 Chapter 111, Private Laws of 1905

41 Chapter 314, Private Laws of 1905

42 Chapter 406, Private Laws of 1905

43 Chapter 336, Private Laws of 1907, except Section 5

- 1 Chapter 352, Private Laws of 1907, except Section 4
- 2 Chapter 11, Private Laws of 1908 (Ex. Sess.)
- 3 Chapter 269, Private Laws of 1913
- 4 Chapter 383, Private Laws of 1913
- 5 Chapter 409, Private Laws of 1913
- 6 Chapter 455, Private Laws of 1913
- 7 Chapter 456, Private Laws of 1913
- 8 Chapter 58, Private Laws of 1913 (Ex. Sess.)
- 9 Chapter 26, Private Laws of 1917
- 10 Chapter 114, Public-Local Laws of 1919, as to Monroe only
- 11 Chapter 138, Private Laws of 1919
- 12 Chapter 2, Private Laws of 1920 (Ex. Sess.)
- 13 Chapter 76, Private Laws of 1920 (Ex. Sess.)
- 14 Chapter 45, Private Laws of 1925, except Section 1
- 15 Chapter 187, Private Laws of 1925
- 16 Chapter 124, Private Laws of 1927
- 17 Chapter 132, Private Laws of 1927
- 18 Chapter 21, Private Laws of 1931
- 19 Chapter 178, Private Laws of 1933
- 20 Chapter 60, Public-Local Laws of 1937
- 21 Chapter 210, Public-Local Laws of 1939
- 22 Chapter 597, Session Laws of 1945
- 23 Chapter 28, Session Laws of 1947
- 24 Chapter 166, Session Laws of 1947, except Section 1
- 25 Chapter 641, Session Laws of 1949, except Section 1 and Section 2
- 26 Chapter 674, Session Laws of 1951
- 27 Chapter 123, Session Laws of 1953
- 28 Chapter 52, Session Laws of 1955
- 29 Chapter 497, Session Laws of 1955
- 30 Chapter 185, Session Laws of 1957
- 31 Chapter 703, Session Laws of 1957
- 32 Chapter 423, Session Laws of 1959
- 33 Chapter 466, Session Laws of 1959
- 34 Chapter 498, Session Laws of 1959
- 35 Chapter 1000, Session Laws of 1959, except Section 5
- 36 Chapter 121, Session Laws of 1961
- 37 Chapter 10, Session Laws of 1963
- 38 Chapter 70, Session Laws of 1963, except Section 11 and Section 13
- 39 Chapter 334, Session Laws of 1967
- 40 Chapter 370, Session Laws of 1967
- 41 Chapter 720, Session Laws of 1971
- 42 Chapter 419, Session Laws of 1975, except Section 2
- 43 Chapter 511, Session Laws of 1981

1 Chapter 270, Session Laws of 1983

2 Chapter 2, Session Laws of 1993.

3 Section 5. This act does not affect any rights or interests which arose under
4 any provisions repealed by this act.

5 Section 6. All existing ordinances, resolutions, and other provisions of the
6 City of Monroe not inconsistent with the provisions of this act shall continue in effect
7 until repealed or amended.

8 Section 7. No action or proceeding pending on the effective date of this act by
9 or against the City or any of its departments or agencies shall be abated or otherwise
10 affected by this act.

11 Section 8. If any provision of this act or application thereof is held invalid,
12 such invalidity shall not affect other provisions or applications of this act which can be
13 given effect without the invalid provision or application, and to this end the provisions of
14 this act are declared to be severable.

15 Section 9. Whenever a reference is made in this act to a particular provision of
16 the General Statutes, and such provision is later amended, superseded, or recodified, the
17 reference shall be deemed amended to refer to the amended law, or the law which most
18 clearly corresponds to the statutory provision which is superseded or recodified.

19 Section 10. This act is effective when it becomes law.