

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 162
Feb 25, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH20001-LM-23A*

Short Title: City of Morganton/Charter Amendments. (Local)

Sponsors: Representative Blackwell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE CITY OF MORGANTON TO CLARIFY
3 THE TIME PERIOD FOR FILLING VACANCIES IN THE OFFICE OF MAYOR, TO
4 PROVIDE THAT THE CITY MANAGER SHALL APPOINT THE CITY CLERK, AND
5 TO MAKE TECHNICAL CHANGES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Section 2.14 of the Charter of the City of Morganton, being Chapter
8 180 of the 1975 Session Laws, as amended by S.L. 1998-81, reads as rewritten:

9 "Sec. 2.14. Vacancy; absence or disability. – (a) A vacancy in the office of Mayor shall exist
10 when a duly elected person fails to qualify or when a person who has been elected and has
11 qualified dies, resigns, or no longer meets the requirements of Section 2.11 of this Charter, or is
12 recalled. If a vacancy occurs in the office of Mayor, the Council ~~shall~~ shall, by majority ~~vote~~
13 vote, within 90 days following the date the vacancy occurs, appoint some qualified person to fill
14 the office for the remainder of the unexpired term. The Mayor Pro Tempore shall discharge the
15 powers and duties of the office of Mayor until the office is filled, ~~and he and~~, during such period
16 of service, shall receive the same compensation as received by the office of ~~Mayor during such~~
17 ~~period of service.~~ Mayor. The council seat of Mayor Pro Tempore is not vacant during any period
18 in which the Mayor Pro Tempore discharges powers and duties of the office of Mayor.

19 (b) During the period of absence or disability of the Mayor, the Mayor Pro
20 Tempore shall perform the powers and duties of the ~~Mayor during the period that such absence~~
21 ~~or disability exists.~~ Mayor. The inability of the Mayor to perform the duties of ~~his~~ the office shall
22 be determined by the Council in accordance with the provisions of ~~G.S. 160A-70, except that the~~
23 ~~vote of the Mayor is not required in any such determination.~~ G.S. 160A-70."

24 **SECTION 2.** Section 2.15 of the Charter of the City of Morganton, being Chapter
25 180 of the 1975 Session Laws, as amended by Chapter 202 of the Session Laws of 1983, reads
26 as rewritten:

27 "Sec. 2.15. Powers and duties. – (a) The Mayor shall be the official head of the City
28 government. Consistent with the provisions of this Charter, ~~he~~ the Mayor shall be vested with all
29 of the powers, duties, rights, privileges and immunities granted to and conferred on Mayors of
30 Cities by the General Laws of North Carolina.

31 ...

32 (d) The Mayor shall be authorized to appoint ~~for his information and assistance~~, advisory
33 boards, commissions, and committees, which shall be answerable to ~~him~~, the Mayor, but whose
34 actions shall be advisory in nature.

35 (e) The Mayor shall perform such other duties consistent with this Charter as may be
36 conferred upon ~~him~~ the Mayor by ordinance of the Council."



1 **SECTION 3.** Section 3.12 of the Charter of the City of Morganton, being Chapter
2 180 of the 1975 Session Laws, as amended, is repealed.

3 **SECTION 4.** Chapter 2 of Article IV of the Charter of the City of Morganton, being
4 Chapter 180 of the 1975 Session Laws, as amended, reads as rewritten:

5 "Chapter 2. City Manager.

6 "Sec. 4.11. Appointment, qualifications, term. – The Council shall appoint a City Manager
7 to serve at its pleasure. The City Manager shall be appointed solely on the basis of his or her
8 executive and administrative qualifications, and ~~he~~ need not be a resident of the City or State
9 when appointed.

10 "Sec. 4.12. Chief executive officer. – The City Manager shall be the chief executive officer
11 of the City government. He or she shall be responsible to the Council for the proper and efficient
12 administration of the City government.

13 "

14 **SECTION 5.** Section 4.21 of the Charter of the City of Morganton, being Chapter
15 180 of the 1975 Session Laws, as amended, reads as rewritten:

16 "Sec. 4.21. City Clerk. – ~~The Council shall designate the City Manager as City Clerk. He~~
17 ~~shall be responsible for keeping a journal of the proceedings of the Mayor and Council and~~
18 ~~maintaining, in a safe place, all records and documents pertaining to the affairs of the City. The~~
19 ~~manager shall be authorized to delegate his responsibilities as City Clerk. The City Manager shall~~
20 appoint a City Clerk to serve at the City Manager's pleasure. The City Clerk shall act as secretary
21 to the City Council, keep the originals of all ordinances in a book especially provided for that
22 purpose, be responsible for giving notice of all meetings of the Council, keep a journal of the
23 proceedings of the Mayor and Council, maintain in a safe place all records and documents
24 pertaining to the affairs of the City, and perform any other duties that may be required by law,
25 by the Council, or by the City Manager. The City Manager may appoint or provide for one or
26 more deputy City Clerks who shall have full authority to exercise and perform any of the powers
27 and duties of the City Clerk that the City Manager may specify."

28 **SECTION 6.** Chapter 5 of Article IV of the Charter of the City of Morganton, being
29 Chapter 180 of the 1975 Session Laws, as amended, reads as rewritten:

30 "Chapter 5. Boards and Commissions.

31 "Sec. 4.41. General provisions. – ~~(a)~~ Except as prescribed by General Law or special act of
32 the General Assembly, the voting members of the Council ~~(not including the Mayor, except in~~
33 ~~ease of equal division)~~ shall have the authority to create commissions, councils or boards which
34 shall perform duties prescribed by the Council, including, but not limited to, making studies,
35 conducting research and investigations, holding hearings, and preparing recommendations as to
36 needed ordinances and resolutions; provided, the voting members of the Council shall be
37 authorized to designate and name certain boards, commissions and committees to be appointed
38 solely by the Mayor.

39 "Sec. 4.42. Composition; appointment; bylaws. – (a) Except as otherwise provide by law,
40 the voting members of the Council ~~(not including the Mayor, except in case of equal division)~~
41 shall have the authority to provide for the manner of appointment, makeup and composition of
42 such commissions, councils or boards, the periods of existence of same, and for the compensation
43 of such members and employees of same, in whole or in part. The Council may provide by
44 ordinance for reimbursement of the actual and necessary expenses incurred by the members
45 thereof in the performance of their official duties. The Council shall have the authority to
46 annually appropriate and donate money derived from contributions and other nontax revenues
47 for and to such commissions, councils and boards to provide for their operation, either in whole
48 or in part.

49 ...

50 (c) Any member of a board or commission may be removed from office for cause by a
51 majority vote of ~~all of the voting council members.~~ Council.

1"

2 SECTION 7. This act is effective when it becomes law.