

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 287

Short Title: City of Randleman Charter Consolidation. (Local)

Sponsors: Representatives Hurley and McNeill (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government, if favorable, Rules, Calendar, and Operations of the House

March 15, 2021

A BILL TO BE ENTITLED

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



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1 Mayor, the Board may confer any of the Mayor's powers and duties upon the Mayor Pro
2 Tempore. If the Mayor should become physically or mentally incapable of performing the duties
3 of his or her office, the Board may, by unanimous vote, declare that the Mayor is incapacitated
4 and confer any of the Mayor's powers and duties upon the Mayor Pro Tempore. Upon the Mayor's
5 declaration that such incapacitation no longer exists, and with the concurrence of a majority of
6 the Board, the Mayor shall resume the exercise of the Mayor's powers and duties. In the event
7 both the Mayor and the Mayor Pro Tempore are absent from a meeting, the Board may elect from
8 its members a temporary chair to preside in such absences.

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

12 "Section 2.6. **Quorum; Voting.** Official actions of the Board and all votes shall be taken in
13 accordance with the applicable provisions of general law, particularly G.S. 160A-75. A majority
14 of the actual membership of the Board plus the Mayor, excluding vacant seats, shall constitute a
15 quorum. A member who has withdrawn from a meeting without being excused by majority vote
16 of the remaining members present shall be counted as present for purposes of determining a
17 quorum.

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

22 "ARTICLE III. ELECTIONS.

23 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held in
24 each odd-numbered year in accordance with the uniform municipal election laws of North
25 Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using
26 the nonpartisan plurality method as provided in G.S. 163-292.

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

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

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

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

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

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

1 (d) Within 10 days from the date of filing such a petition, the Clerk shall examine the
2 petition and the records of the Board of Elections to determine whether the petition is signed by
3 the required number of qualified electors. The Clerk shall attach to the petition a certificate
4 showing the results of such examination. If by the Clerk's certificate, the petition is deemed
5 insufficient, it may be amended within 10 days from the date of the certificate. The Clerk shall,
6 within 10 days after such amendment, examine the amended petition in the same fashion. If the
7 Clerk's certificate deems the amended petition to be insufficient, the Clerk shall return it to the
8 person filing the same, but such return shall not prevent the filing of a new petition if it is
9 otherwise allowed by this section. If the Clerk's certificate deems the amended petition to be
10 sufficient, the Clerk shall without delay submit the same to the Board of Elections that conducts
11 elections for the City.

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

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

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

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

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

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

38 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

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

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

- 45 (1) To appoint and suspend or remove all City officers and employees not elected by
46 the people, and whose appointment or removal is not otherwise provided for by
47 law, except the City Attorney, in accordance with such general personnel rules,
48 regulations, policies, or ordinances as the Board may adopt.
- 49 (2) To direct and supervise the administration of all departments, offices, and
50 agencies of the City, subject to the general direction and control of the Board,
51 except as otherwise provided by law.

- 1 (3) To attend all meetings of the Board and recommend any measures that the City
2 Manager deems expedient.
- 3 (4) To see that all laws of the State, the City Charter, and the ordinances, resolutions,
4 and regulations of the Board are faithfully executed within the City.
- 5 (5) To prepare and submit the annual budget and capital program to the Board.
- 6 (6) To annually submit to the Board, and make available to the public, a complete
7 report on the finances and administrative activities of the City as of the end of
8 the fiscal year.
- 9 (7) To make any other reports that the Board may require concerning the operations
10 of City departments, offices, and agencies subject to the City Manager's direction
11 and control.
- 12 (8) To perform any other duties that may be required or authorized by the Board.

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

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

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

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

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

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

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

36 Chapter 209 of the Private Laws of 1905

37 Chapter 292 of the Private Laws of 1907

38 Chapter 89 of the Private Laws of 1935

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

40 Chapter 965 of the 1947 Session Laws

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

42 Chapter 402 of the 1967 Session Laws

43 Chapter 94 of the 2000 Session Laws.

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

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

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

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

8 **SECTION 9.** If any provision of this act or application thereof is held invalid, such
9 invalidity shall not affect other provisions or applications of this act that can be given effect
10 without the invalid provision or application, and, to this end, the provisions of this act are
11 declared to be severable.

12 **SECTION 10.** This act is effective when it becomes law. No action or proceeding
13 pending on the effective date of this act by or against the City of Randleman or any of its
14 departments or agencies shall be abated or otherwise affected by this act.