

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 335
State and Local Government Committee Substitute Adopted 4/27/05
Third Edition Engrossed 6/1/05
House Committee Substitute Favorable 6/29/05

Short Title: Cornelius Charter Amendment.

(Local)

Sponsors:

Referred to:

March 3, 2005

A BILL TO BE ENTITLED

1 AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO
2 ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR
3 CAUSE.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 3.3 of the Charter of the Town of Cornelius, being
7 Chapter 288 of the 1971 Session Laws, as amended by Town Ordinance No.
8 2002-00266, adopted pursuant to G.S. 160A-101, reads as rewritten:

9 "Sec. 3.3. Terms; Qualifications; Vacancies. (a) The Mayor shall serve for a term of
10 four years and members of the Board of Commissioners shall serve for terms of four
11 years, beginning the day and hour of the organizational meeting following their election,
12 as established by ordinance in accordance with this Charter; ~~provided, they shall serve~~
13 ~~until their successors are elected and qualify.~~ Charter. The Mayor and Commissioners
14 shall serve until: (i) their successors are elected and qualified; (ii) they resign; (iii) they
15 become ineligible to hold office; or (iv) they are removed from office in accordance
16 with subsection (b1) of this section.

17 (b) No person shall be eligible to be a candidate or be elected as Mayor or as a
18 member of the Board of Commissioners or to serve in such capacity, unless he is a
19 resident and a qualified voter of the Town.

20 (b1) The Mayor and Commissioners shall be expected and required to attend all
21 regular meetings of the Board of Commissioners except for occasional, unavoidable
22 conflicts. However, the Mayor and Commissioners shall attend at least sixty percent
23 (60%) of all regular Board meetings calculated on a rolling 12-month basis.
24 Participation in a meeting by phone that has been approved pursuant to Board policy
25 shall be counted as being absent under this section, although the participation may be
26 considered as being in attendance for other purposes. Upon receipt of a complaint
27 alleging a violation under this section, the Board shall call a hearing on the matter. The

1 person to be proceeded against shall have at least 10 days' notice in writing of the
2 motion to remove him, accompanied by a copy of the charges alleged as the grounds for
3 the proposed removal. He shall have the right to be heard in person or by counsel in his
4 defense. At the hearing, the Board may also hear from members of the public. Upon
5 finding by a preponderance of the evidence that a violation has occurred, the Board
6 may, by a majority vote, remove the Mayor or Commissioner from office or impose a
7 lesser sanction, including censure or reprimand. The accused Mayor or Commissioner
8 may vote in a proceeding only in the case of a tie.

9 (b2) The Mayor or a Commissioner shall not be considered absent from a regular
10 meeting of the Board of Commissioners if the Mayor's or Commissioner's failure to
11 attend is due to any of the following reasons:

12 (1) Personal illness or the illness or death of an immediate family member
13 (spouse, children, grandchildren, parents, grandparents, or siblings).

14 (2) Military service.

15 (3) Activities necessary to the performance of the official duties of the
16 Mayor or Commissioner.

17 The burden shall be on the Mayor or Commissioner to present documentation in a
18 hearing held pursuant to subsection (b1) of this section that supports an authorized
19 reason for nonattendance.

20 (c) In the event a vacancy occurs in the office of Mayor or Commissioner, the
21 Board of Commissioners shall ~~by majority vote~~ appoint some qualified person to fill the
22 same ~~for the remainder of the unexpired term~~ in accordance with G.S. 160A-63.

23 (d) In the case of a conflict between this section and any other provision of this
24 Charter, a Town ordinance, or other statute or common law, this section shall prevail to
25 the extent of the conflict."

26 **SECTION 2.** This act is effective when it becomes law.