

NORTH CAROLINA GENERAL ASSEMBLY
1959 SESSION

CHAPTER 681
HOUSE BILL 1022

AN ACT PROVIDING FOR AN ELECTION IN THE TOWN OF BREVARD UPON THE QUESTION OF ADOPTING A MODIFIED PLAN "D" FORM OF GOVERNMENT SO AS TO PROVIDE FOR A CITY MANAGER, AND DEFINING HIS DUTIES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Brevard, North Carolina, shall cause a special election to be held in the Town of Brevard prior to July 1, 1959, for the purpose of submitting to the qualified voters of the Town of Brevard the following amendments to the Charter of the Town of Brevard, the same being Chapter 113, Private Laws of 1903:

"The Charter of the Town of Brevard, as contained in Chapter 113, Private Laws of 1903, be and the same is hereby amended by adding after Chapter A, Article 1, Section 4 thereof a new Section to be numbered Section 4(a) and reading as follows:

"Sec. 4 (a). The Board of Aldermen of the Town of Brevard, North Carolina, shall appoint an officer whose title shall be town manager and who shall be the chief executive officer and head of the administrative branch of the town government. The town manager shall be chosen by the board of aldermen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined.

"At the time of his appointment he need not be a resident of the town or State, but during his tenure of office he shall reside within the town. No person elected to membership on the board of aldermen shall, subsequent to such election, be eligible for appointment as town manager until one year has elapsed following the expiration of the term for which he was elected. The town manager shall serve at the pleasure of the board of aldermen and he shall receive such compensation as the board shall fix by ordinance. In case of the absence or disability of the manager, the board may designate a qualified administrative officer of the town to perform the duties of the manager during such absence or disability.

"The town manager shall be responsible to the board of aldermen for the proper administration of all affairs of the town. As chief administrator, the manager shall have the power to appoint and remove all officers and employees in the administrative service of the town, except the town attorney, auditor, clerk and treasurer, who shall be

appointed by and responsible to the board of aldermen and subject to removal by the board of aldermen.

"It shall be the duty of the town manager to act as director of finance and purchasing agent; to supervise the administration of the affairs of the town; to see that the ordinances, resolutions and regulations of the board of aldermen and the laws of the State are faithfully executed; to make such recommendations to the board of aldermen concerning the affairs of the town as he shall deem expedient; to keep the board of aldermen advised of the financial condition and the future financial needs of the town; attend all meetings of the board of aldermen and prepare and submit to the board of aldermen such reports as he may deem expedient or as may be required of him by the board of aldermen; to perform all other duties as may be required by the board of aldermen."

Sec. 2. Within fifteen (15) days subsequent to the ratification of this Act, the Board of Aldermen of the Town of Brevard shall fix a date for the special election authorized in Section 1 of this Act and shall cause notice of the special election herein provided for to be published for not less than once a week for three successive weeks prior to the date of the election in a newspaper having general circulation within the municipality.

Sec. 3. The special election provided for in this Act shall be held by the Municipal Board of Elections for the Town of Brevard in accordance with the procedures for municipal elections as set forth in Chapter 131 of the Private Laws of North Carolina, 1935, except those election procedures as may be modified by the provisions of this Act. The municipal board of elections shall hold the election on the question of adopting the amendment as provided herein on the date set by the board of aldermen as provided for in this Act.

Sec. 4. At the time of holding the special election hereinabove provided for, those voters who are in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or written the words "For Amendment Providing for Town Manager Form of Government", and those voters who are opposed to the adoption of such form of government shall vote a ballot upon which shall be printed or written the words "Against Amendment Providing for Town Manager Form of Government". If at said election a majority of the votes cast shall be "For Amendment Providing for Town Manager Form of Government", the said amendment shall be adopted and become a part of the Charter of the Town of Brevard and shall become effective at the time the municipal board of elections certifies the result of the election to the board of aldermen. If a majority of the votes cast shall be "Against Amendment for Town Manager Form of Government", said amendment shall be null and void and shall not become a part of the Charter of the Town of Brevard.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.