

NORTH CAROLINA GENERAL ASSEMBLY
1965 SESSION

CHAPTER 651
HOUSE BILL 886

AN ACT TO PROVIDE FOR AN ELECTION IN THE CITY OF HENDERSON
UPON THE QUESTION OF AMENDING THE CHARTER TO ESTABLISH THE
COUNCIL-MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Section 1. Subject to the approval of the voters at an election to be held as hereinafter provided, Chapter 731 of the Session Laws of North Carolina, 1953, is hereby amended by striking out all of Section 6 as the same appears therein, and inserting in lieu thereof a new Section 6, which shall read as follows:

"Sec. 6. (1) The government of the City of Henderson shall be the Council-Manager form of government and the general control of all the city's affairs shall be vested in a City Council, which shall be elected as herein set forth, and shall exercise their power in conformity to the provisions of this Act and the provisions of the general law with reference to the powers and privileges of municipalities wherein no provision has been made in this Act with respect thereto.

"(2) The City Council shall appoint a City Manager, who shall be the administrative head of the City Government, and the City Manager shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed. The City Manager shall hold office during the pleasure of the City Council, and shall receive such compensation as it shall fix by ordinance.

"(3) The City Manager so appointed shall (a) be the chief administrative officer of the city; (b) see that within the city the laws of the State and the ordinances, resolutions and regulations of the City Council are faithfully executed; (c) attend all meetings of the City Council, and recommend for adoption such measures as he shall deem expedient; (d) make reports to the City Council from time to time upon the affairs of the city, keep the City Council fully advised of the city's financial condition, and its future financial needs; (e) appoint and remove with the approval of the City Council all employees of the city, not including, however, the City Attorney and members of committees and commissions appointed by the City Council in conformity with this Act; (f) and perform all other duties as may be required by the City Council."

Sec. 2. In the event the Charter of the City of Henderson is amended in the manner as herein provided, then from and after the effective date thereof, the affairs of the city shall be conducted and administered in accordance with such amendment and wherever a conflict exists between Section 6 of the charter as set forth in Section 1

above and the remaining Sections of the charter, the requirements of said Section 6 shall govern.

Sec. 3. The City Council of the City of Henderson shall cause a special election to be held in the City of Henderson not later than August 1, 1965, for the purpose of submitting to the qualified voters of the City of Henderson the question of adopting the amendment to the charter of said city as provided for in Section 1 of this Act.

Sec. 4. It shall be the duty of the City Council of the City of Henderson to conduct the special election herein provided for in accordance with the General Statutes and other applicable law pertaining to special municipal elections in the City of Henderson, except as otherwise provided herein.

Sec. 5. Upon all ballots used in the special election hereinabove authorized, there shall be printed or written the words "For amendment providing for Council-Manager form of government" and "Against amendment providing for Council-Manager form of government" with appropriate squares that the voter may designate by a cross (X) mark his preference for which he casts his vote. If at said election a majority of the votes cast shall be "For amendment providing for Council-Manager form of government" the said amendment shall be adopted and become a part of the Charter of the City of Henderson, and shall become effective on the day that the results of the election are certified by the appropriate election officials. If at said election a majority of the votes cast shall be "Against amendment providing for Council-Manager form of government", said amendment shall be null and void and shall have no effect upon the Charter of the City of Henderson.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1965.