

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**SESSION LAW 2017-79
SENATE BILL 265**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
CREEDMOOR.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Creedmoor is revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF CREEDMOOR

"ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES

"Section 1.1. Incorporation. The City of Creedmoor, North Carolina, in Granville County, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name of the "City of Creedmoor," 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 of Creedmoor 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 they 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 Granville County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY

"Section 2.1. City Governing Body. The Board of Commissioners, hereinafter referred to as the "Board," and the Mayor shall be the governing body of the City.

"Section 2.2. Composition; Terms of Office. The Board of Commissioners shall be composed of five members, to be elected by all the qualified voters of the City voting at large in the manner provided in Article III of this Charter. The members shall serve four-year staggered terms as provided in Section 3.3 of this Charter or until their successors are elected and qualified.

"Section 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected by all the qualified voters of the City voting at large in the manner provided in Article III of this Charter for a term of two years or until a successor is elected and qualified. The Mayor shall be the official head of the City government and shall 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. In accordance with general law, the Board shall elect from among its members a Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or disability.



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

"Section 2.6. Quorum; Voting. Official actions of the Board and all votes shall be taken in accordance with the applicable provisions of general law. The quorum provisions of G.S. 160A-74 shall apply.

"Section 2.7. Vacancies. Vacancies that occur in any elective office of the City shall be filled in accordance with the applicable provisions of general law.

"ARTICLE III. ELECTIONS

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

"Section 3.2. Election of Mayor. A Mayor shall be elected in the regular municipal election in 2017 and every two years thereafter.

"Section 3.3. Election of Commissioners. The Commissioners serving on the date of ratification of this Charter shall serve until the expiration of their terms or until their successors are elected and qualified. In the regular municipal election in 2017, and quadrennially thereafter, two Commissioners shall be elected to serve four-year terms in those positions whose terms are then expiring. In the regular municipal election in 2019, and quadrennially thereafter, three Commissioners shall be elected to serve four-year terms in those positions whose terms are then expiring.

"Section 3.4. Special Elections and Referenda. Special elections and referenda may be held only as provided by general law or applicable local acts enacted by the General Assembly.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION

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

"Section 4.2. City Manager; Appointment; Powers and Duties. The Board shall appoint a City Manager who shall be responsible for the administration of all departments of the City government. The City Manager shall have all the powers and duties conferred by general law, except as expressly limited by the provisions of this Charter, and shall have the additional powers and duties conferred by the Board as authorized by general or local law.

"Section 4.3. City Attorney. The Board shall appoint a City Attorney to represent the City, advise City officials, and perform other duties required by law or directed by the Board.

"Section 4.4. City Clerk. The City Manager shall appoint a City Clerk, subject to confirmation by a majority vote of the Board. The City Manager shall direct and supervise the City Clerk and shall have authority to take disciplinary action regarding the City Clerk, including removal, in accordance with general personnel rules, regulations, policies, or ordinances adopted by the Board. The City Clerk shall keep a journal of the proceedings of the Board, maintain official records and documents, give notice of meetings, and perform other duties required by general or local law or directed by the City Manager.

"Section 4.5. Finance Director. The City Manager shall appoint a Finance Director to perform the duties prescribed in G.S. 159-25 and to perform other duties required by law or assigned by the City Manager.

"Section 4.6. Tax Collector. The Board shall appoint a Tax Collector as provided in G.S. 105-349 to collect all taxes owed to the City and to perform the duties specified in G.S. 105-350 and any other duties prescribed by general or local law.

"Section 4.7. Other Administrative Officers and Employees. The Board may authorize other positions to be filled by appointment by the City Manager and may organize the City government as deemed appropriate, subject to the requirements of general or local law.

"ARTICLE V. ORDINANCES

"Section 5.1. Adoption and Effective Date. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with general law unless otherwise provided for by this Charter. All ordinances and resolutions shall take effect upon adoption unless otherwise provided for by general or local law or this Charter.

"Section 5.2. Effect of Ordinances on City Property. All applicable ordinances of the City shall have full force and effect upon and within all property and facilities owned by the City, whether located within or outside the corporate limits."

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

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

SECTION 4. Section 1 of Chapter 826 of the 1969 Session Laws having served the purpose for which it was enacted or having been consolidated into this act, is expressly repealed.

SECTION 5. Notwithstanding any other provision of this act, the following acts (including any amendments thereto) are not repealed, and the provisions of these acts remain effective as to the City of Creedmoor as if this act had not been enacted:

Chapter 610 of the 1987 Session Laws.

S.L. 2012-55.

SECTION 6. The Mayor and Commissioners serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified. Thereafter, those offices shall be filled as provided in Articles II and III of the Charter of the City of Creedmoor, as enacted in Section 1 of this act.

SECTION 7. This act does not affect any rights or interests that arose under any provisions repealed by this act.

SECTION 8. All existing ordinances, resolutions, and other provisions of the City of Creedmoor not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

SECTION 9. No action or proceeding pending on the effective date of this act by or against the City or any of its departments or agencies shall be abated or otherwise affected by this act.

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

SECTION 11. Whenever a reference is made in this act to a particular provision of the General Statutes, and that provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute that most clearly corresponds to the statutory provision which is superseded or recodified.

SECTION 12. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29th day of June,
2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives