

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 295
HOUSE BILL 502

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
MONTREAT.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Montreat is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF MONTREAT.

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Section 1.1. Incorporation. The Town of Montreat, North Carolina, in Buncombe County, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'Town of Montreat', hereinafter at times referred to as the 'Town'.

"Sec. 1.2. Powers. The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of Montreat 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.

"Sec. 1.3. Corporate Limits. The corporate limits shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the Town Clerk and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made, and copies shall be filed in the offices of the Secretary of State, the Buncombe County Register of Deeds and the appropriate board of elections.

"ARTICLE II. MAYOR AND BOARD OF COMMISSIONERS.

"Sec. 2.1. Governing Body. The Board of Commissioners, hereinafter referred to at times as the 'Board', shall be the governing body of the Town.

"Sec. 2.2. Board of Commissioners; Composition; Terms of Office. The Board shall be composed of three members elected for terms of four years, or until their successors are elected and qualified.

"Sec. 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected by the Board from among its membership to serve at its pleasure; shall be the official head of the Town government and preside at meetings of the Board; shall have the right to vote on all matters before the Board, but shall have no right to break a tie vote in which he

participated; and shall exercise the powers and duties conferred by law or as directed by the Board.

"Sec. 2.4. Mayor Pro Tempore. The Board shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability, in accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the other members of the Board.

"Sec. 2.5. Meetings of the Board. 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.

"Sec. 2.6. Ordinances and Resolutions. The adoption, amendment, repeal, pleading and proving of Town ordinances and resolutions shall be in accordance with general law. All ordinances and resolutions shall be effective upon adoption unless otherwise provided.

"Sec. 2.7. Voting Requirements; Quorum. Official actions of the Board and all votes shall be taken in accordance with applicable voting and quorum provisions of general law, particularly G.S. 160A-74 and 160A-75.

"Sec. 2.8. Compensation; Qualifications for Office; Vacancies. The compensation and qualifications of the Mayor and Commissioners shall be in accordance with general law. Vacancies that occur in any elective office of the Town shall be filled by appointment of the Board as provided in G.S. 160A-63.

"ARTICLE III. ELECTIONS.

"Sec. 3.1. Regular Municipal Elections. Regular municipal elections shall be held in accordance with the uniform municipal election laws of North Carolina. The Commissioners shall be elected by the voters of the Town on an at large basis, by the nonpartisan plurality method of election.

"Sec. 3.2. Election of the Commissioners. The Commissioners serving on the date of ratification of this Charter may continue to serve until expiration of their terms, or until their successors are elected and qualified. In the regular municipal election in 1985, and every four years thereafter, there shall be elected three Commissioners to serve as provided in Article II of this Charter.

"Sec. 3.3. Special Elections and Referendums. Special elections and referendums may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. Form of Government. The Town shall operate under the Mayor-Council form of government, in accordance with G.S. Chapter 160A, Article 7, Part 3.

"Sec. 4.2 Town Clerk. The Board shall appoint a Town Clerk to keep a journal of the proceedings of the Board; to maintain in a safe place all records and documents concerning the affairs of the Town; to give notice of meetings of the Board; and to perform such other duties required by law or as the Board may direct.

"Sec. 4.3. Town Tax Collector. The Board shall appoint a Tax Collector to collect all taxes owed to the Town, subject to general law, this Charter and Town ordinances.

"Sec. 4.4. Town Attorney. The Board shall appoint a Town Attorney to serve at its pleasure, and to perform such legal duties as directed by the Board.

"Sec. 4.5. Other Administrative Officers and Employees. The Board may appoint other officers and employees, and may organize the administrative affairs of the Town as deemed appropriate, subject to the requirements of general law."

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

Sec. 3. This act shall not be deemed to repeal, modify or affect any acts concerning the property, affairs or government of public schools, or any acts validating, confirming, approving or legalizing official proceedings, actions, contracts or obligations of any kind.

Sec. 4. Chapter 836, Session Laws of 1967, is repealed, except that Section 6 of that act is not repealed.

Sec. 5. No provision of this act shall be deemed to affect any rights or interests (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action previously taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law previously repealed expressly or by implication, and no law granting authority which has been exhausted, shall be construed to be revived by any provision of this act.

Sec. 7. All existing ordinances and resolutions of the Town of Montreat and all existing rules or regulations of departments or agencies of the Town not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified or amended.

Sec. 8. No judicial or administrative action or proceeding of any nature pending on the effective date of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by the ratification of this act.

Sec. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such 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 which most clearly corresponds to the statutory provision which is superseded or recodified.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1985.