

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 56
HOUSE BILL 233

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

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Garysburg is revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF GARYSBURG.

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND
BOUNDARIES.

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

"Section 1.2. Powers. The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of Garysburg specifically by this Charter or upon municipal corporations generally.

"Section 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 Northampton County Register of Deeds and the appropriate board of elections.

"ARTICLE II. MAYOR AND BOARD OF COMMISSIONERS.

"Section 2.1. Governing Body. The Mayor and Board of Commissioners shall be the governing body of the Town. On behalf of the Town, and in accordance with applicable provisions of the General Statutes, the Mayor and the Board may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

"Section 2.2. Board of Commissioners; Composition; Terms of Office. The Board of Commissioners, hereinafter referred to at times as the 'Board,' shall be composed of five members elected for terms of two years, or until their successors are elected and qualified.

"Section 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected for a term of two years, or until his or her successor is elected and qualified; shall be the official head of the Town government and preside at all 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. 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 applicable provisions of the General Statutes. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the other members of the Board.

"Section 2.5. Meetings of the Board. In accordance with applicable provisions of the General Statutes, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided in the General Statutes.

"Section 2.6. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, and proving of Town ordinances and resolutions shall be in accordance with applicable provisions of the General Statutes. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board.

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

"Section 2.8. Qualifications for Office; Vacancies; Compensation. The compensation of Board members, the filling of vacancies on the Board and the qualifications of Commissioners shall be in accordance with applicable provisions of the General Statutes.

"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. The Mayor and Commissioner shall be elected by the voters of the Town on an at large basis, by the nonpartisan plurality method of election.

"Section 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. At the regular municipal election in 1985, and every two years thereafter, there shall be elected five Commissioners to serve terms of two years.

"Section 3.3. Election of the Mayor. The Mayor serving on the date of ratification of this Charter may continue to serve until the expiration of his or her term, or until a successor is elected and qualified. At the regular municipal election in 1985 and every two years thereafter, there shall be elected a Mayor to serve as provided in Article II of this Charter.

"Section 3.4. Special Elections and Referendums. Special elections and referendums may be held only as provided in applicable provisions of the General Statutes or local acts of the General Assembly.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION

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

"Section 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 be the chief administrative official for the Town; and to perform such other duties required by law or as the Board may direct.

"Section 4.3. Town Tax Collector. The Board shall appoint a Tax Collector to collect all taxes, licenses, fees and other monies owed to the Town, subject to the applicable provisions of the General Statutes, this Charter and Town ordinances. The Tax Collector shall diligently comply with and enforce all the laws of North Carolina concerning collection of municipal taxes.

"Section 4.4. Town Attorney. The Board of Commissioners shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to prosecute and defend suits against the Town; to advise the Mayor, Board and other Town officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs of the Town; to review all agreements, contracts, franchises and other instruments concerning the Town; to attend meetings of the Board; and to perform other duties required by law or as the Board may direct.

"Section 4.5. Other Administrative Officers and Employees. Consistent with applicable provisions of the General Statutes, the Board shall appoint a Budget Officer and a Finance Officer, and may appoint other officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Garysburg 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 of the following acts, portions of acts or amendments thereto, whether or not such acts are expressly set forth herein:

- (1) Any acts concerning the property, affairs or government of public schools in the Town of Garysburg.
- (2) Any acts validating, confirming, approving or legalizing official proceedings, actions, contracts or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted or having been consolidated into this act, are hereby repealed:

Chapter 344, Private Laws of 1891 Chapter 334, Private Laws of 1907 Chapter 34, Private Laws of 1917 Chapter 1030, Session Laws of 1959 Chapter 1091, Session Laws of 1963 Chapter 817, Session Laws of 1967 Chapter 893, Session Laws of 1973

Sec. 5. No provision of this act is intended nor shall be construed to affect any rights or interest (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 Garysburg 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 action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) 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, repealed, 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 repealed, superseded or recodified.

Sec. 11. The direct elections of the Mayor of the Town of Garysburg in previous years, and all actions of the Board of Commissioners taken without the vote of the Mayor, are hereby expressly ratified and validated, even though contrary to the provisions of the Charter as it existed at those times.

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1985.