

# Draft Charter - Town of Hampstead

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 20XX

SESSION LAW 20xx-xx

House Bill xxx/ SENATE BILL xxx

## AN ACT TO INCORPORATE THE TOWN OF HAMPSTEAD, Pender County

The General Assembly of North Carolina enacts:

**SECTION 1. A Charter for the Town of Hampstead, Pender County is enacted to read:  
"CHARTER OF THE TOWN OF HAMPSTEAD"**

### ARTICLE I. INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and Corporate Powers. The inhabitants of the Town of Hampstead are a body corporate and politic under the name "Town of Hampstead." The Town of Hampstead has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

### ARTICLE II. CORPORATE BOUNDARIES

Section 2.1. Town Boundaries. Until modified in accordance with law, the boundaries of the Town of Hampstead are as follows:

Beginning at a point in the centerline intersection of ..... (insert Legal description as per legislation) .....

### ARTICLE III. GOVERNING BODY

Section 3.1. Structure of Governing Body; Number of Members. The governing body of the Town of Hampstead is the Mayor and Town Council, which shall have five members.

Section 3.2. Temporary Officers. Until the organizational meeting after the initial election in 20xx provided for by Section 4.1 of this Charter, xxxxxxxx is hereby appointed Mayor and xxxx, xxxx, xxxx, and xxxx are appointed Town Council Members of the Town of Hampstead, and they shall possess and exercise the powers granted to the governing body until their successors are elected or appointed and qualified pursuant to this Charter. If any person named in this section is unable to serve, the remaining temporary officers shall, by majority vote, appoint a person to serve until the initial municipal election is held in 20xx, pursuant to Article IV.

Section 3.3. Manner of Electing Town Council; Term of Office. The qualified voters of the entire Town shall elect the members of the Town Council and, except as provided in this section, members shall serve four-year terms. In the first election in 20XX, the three candidates receiving the highest numbers of votes shall be elected to four-year terms and the two candidates receiving the next highest numbers of votes shall be elected to two-year terms. In 20XX+2 years, and quadrennially thereafter, two members shall be elected to four-year terms. In 20XX+4, and quadrennially thereafter, three members shall be elected to four-year terms.

Section 3.4. Manner of Electing Mayor; Term of Office, Duties. The qualified voters of the entire Town shall elect the Mayor who, except as provided in this section, shall serve four-year terms. In the first election in 20XX, the mayor will serve an initial two-year term. In 20XX+2 the mayor will be elected and serve a term of four years and elected quadrennially thereafter. The Mayor shall be the official head of Town government and shall preside at all meetings of the Town Council, shall have the right to vote only when there is an equal division on any question or matter before the Town Council, and shall exercise the powers and duties conferred by law or as directed by the Town Council. "

#### **ARTICLE IV. ELECTIONS**

Section 4.1. Conduct of Town Elections. Elections shall be conducted on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

Section 4.2. Regular Municipal Elections; District Boundaries. Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. For purpose of the election of Town Council members, the Town is divided into five geographical subdivisions, known as districts. A plurality of registered voters of the Town will elect from each of five districts one Town Councilor to fill each Council seat. A written description or map showing the current boundaries of the five election districts shall be maintained in the office of the Town Clerk and shall be available for public inspection. The district boundaries may be amended periodically pursuant to the provisions of general law. Whenever areas are hereafter annexed and made part of the Town, the Town Council shall, by ordinance, redefine and rearrange the five election districts so as to include the annexed areas. The ordinance shall be adopted at least seven days prior to the opening of candidate filing for the municipal election next succeeding the date of any annexation and shall provide for five election districts of approximately equal population. In redefining and rearranging the election district lines, the Town Council shall follow as nearly as practical existing district lines.

Section 4.3. Residency Required. District candidates for election to a seat on the Town Council shall reside in and represent their respective districts. All candidates for Town Council shall be elected by all the voters of the Town.

## **ARTICLE V. ADMINISTRATION**

Section 5.1. Town to Operate under Mayor-Town Council Plan. The Town shall operate under the Mayor-Town Council form of government as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

Section 5.2. Town Attorney. The Town Council shall appoint a Town Attorney licensed to practice law in North Carolina as provided in G.S. 160A-173, and who shall serve at the pleasure of the Town Council and be its legal adviser. It shall be the duty of the Town Attorney to represent the Town, advise Town officials, and perform other duties as required by law or as directed by the Mayor or Town Council.

Section 5.3. Town Clerk. The Town Council shall appoint a Town Clerk who shall keep a journal of the proceedings of the Town Council, maintain official records and documents, give notice of meetings, and perform such other duties as are required by law or as the Mayor or Town Council may direct.

Section 5.4. Other Administrative Officers and Employees. The Town Council may authorize other offices and positions, appoint persons to fill such offices and positions, and may organize the Town government as deemed appropriate, subject to the requirements of general law.

Section 5.6. Consolidation of Functions. The Town Council may consolidate any two or more positions subject to the provisions of the laws and regulations of this State.

## **ARTICLE VI. TAXES AND BUDGET ORDINANCE**

Section 6.1. Commencement of Tax Collection. From and after the effective date of this act, the citizens and property in the Town of Hampstead shall be subject to municipal ad valorem taxes levied at the rate of \$0.20 per \$100 valuation for the year beginning July 1, 20xx, and for that purpose the Town shall obtain from Pender County a record of property in the area herein incorporated which was listed for property taxes as of January 1, 20xx.

Section 6.2. Budget. The Town may adopt a budget ordinance for fiscal year 20xx-20xx without following the timetable in the Local Government Budget and Fiscal Control Act NC G.S. Ch. 159, Art. 3, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 20xx-20xx, ad valorem taxes may be paid at par or face amount within XX days of public notification, which shall occur within xx days of adoption of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360. If the effective date of the incorporation is prior to July 1, 20xx, the Town may adopt a budget ordinance for fiscal year 20xx-20xx without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as practical. No ad valorem taxes may be levied for the 20xx-20xx fiscal year.

Section 6.3. Ad Valorem Taxes. The Town Council shall not increase the ad valorem tax rate for any single year more than \$0.01/\$100.00 valuation above the initial ad valorem tax rate established on the date of incorporation of the Town of Hampstead without the vote or consent of a majority of the qualified voters of the Town of Hampstead. The election on the question of increasing the ad valorem tax rate shall be conducted in accordance with G.S. 160A-209.

**ARTICLE VII. "ORDINANCES.**

Section 7.1. Ordinances. Except as otherwise provided in this Charter, the Town is authorized to adopt such ordinances as the Town Council deems necessary for the governance of the Town, in accordance with and subject to the provisions of general law.

**ARTICLE VIII. MISCELLANEOUS.**

Section 8.1. Conflicts of Interest. No person or immediate family member of such person who is employed by or is an official of the Town shall do business with the Town unless the Town Council specifically approves such activity. All appointed officials under Article V shall within 30 days of appointment apprise the Town Council of any and all conflicts of interest, and failure to do so shall constitute grounds for immediate dismissal for cause. No elected or appointed Town official may accept any gratuity from any business, person, or other official if such gratuity is related to his or her official duties

Section 8.2. Changes to Charter. The Town Council may propose and enact changes to the Charter in accordance with Part 4 of Article 5 of Chapter 160A of the General Statutes. However, no change to the Charter shall become final until the residents of the Town have been notified of the proposed change and afforded an opportunity to comment thereon. Notwithstanding the provisions of G.S. 160A-103, residents may file a petition requesting a change to the Charter, but the Town Council need not consider the proposed change unless it is determined that twenty percent (20%) of the qualified voters of the Town have signed the petition.

Section 8.3. Provision of Services and Administration of Functions. The Town Council may enter into agreements with other governmental bodies and private enterprises for the provision of services to the Town and the administration of corporate functions in order to provide such services and administer such functions in the most efficient and cost-effective manner possible.

**ARTICLE IX.** This act is effective when it becomes law. In the General Assembly read three times and ratified this the xxth day of xxx, 20xx.

**SECTION TO BE INCLUDED SHOULD THE NCGA DETERMINE A REFERENDUM IS NEEDED**

**(NOTE: corrected 2-20-19 for typos in numbering)**

**SECTION 2. REFERENDUM**

*The Pender County Board of Elections shall conduct an election on a date set by the Board, not earlier than 60 days nor later than 120 days after this act becomes law, for the purpose of submission to the qualified voters of the area described in SECTION 1, ARTICLE II CORPORATE BOUNDARIES, Section 2.1 of the Charter of the Town of Hampstead the question of whether or not the area shall be incorporated as the Town of Hampstead. Registration for the election shall be conducted in accordance with G.S. 163A-1596.*

**ARTICLE I. BALLOT**

*In the election, the question on the ballot shall be: “[ ] FOR [ ] AGAINST Incorporation of the Town of Hampstead.”*

**ARTICLE II. FORCE AND EFFECT**

*In the election, if the majority of votes are cast “For the Incorporation of the Town of Hampstead,” SECTIONS 1 and 2 of this Act shall become effective on the date that the Pender County Board of Elections certifies the results of the election. Otherwise, Sections 1 and 2 of this Act shall have no force and effect.*

s/ xxxxxxx President of the Senate

s/ xxxxxxxxxk Speaker of the House of Representatives