

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 872
SENATE BILL 415

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE CITY OF ALBEMARLE TO CALL AN ELECTION UPON THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT FOR THE CITY OF ALBEMARLE.

The General Assembly of North Carolina do enact:

Section 1. After the ratification of this Act, the Board of Commissioners of the City of Albemarle may call an election at which there shall be submitted for determination by the qualified voters of the City of Albemarle voting in such election the question of the adoption of a form of government for the City of Albemarle known as "Plan D" as defined by part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, and as modified by this Act, which plan provides for a mayor, board of commissioners and a city manager. At such election the question submitted to the qualified voters shall be the adoption of said "Plan D" form of government, as modified by this Act, for the City of Albemarle, in lieu of its present form of government.

Sec. 2. The said election shall be called by the Board of Commissioners of the City of Albemarle and shall be conducted and the result thereof determined and declared by the Municipal Board of Elections of the City of Albemarle as is now provided by law for the election of the mayor and members of the board of commissioners, and the holding of said election and the canvassing of the returns and all other matters pertaining to said election shall be as provided by law for the election of the Mayor and the Board of Commissioners of the City of Albemarle. At such election ballots shall be provided for the voters containing the words "For City Manager Form of Government (Modified Plan D) " and "Against City Manager Form of Government (Modified Plan D)." If a majority of the votes cast in said election shall be in favor of said modified "Plan D" form of government, the same shall become effective and be operative in the City of Albemarle upon resolution of the Board of Commissioners of the City of Albemarle.

Sec. 3. If said modified "Plan D" is adopted, the government of the City of Albemarle and the general management and control of all its affairs shall be vested in a mayor and board of commissioners, elected as provided by the Charter of the City of Albemarle, and any amendments thereto. Thereafter the mayor and board of commissioners shall have and exercise all the powers and duties now or hereafter conferred upon them by the Charter of the City of Albemarle, and any amendments thereto, the general ordinances of the City of Albemarle and the provisions of the

general law with reference to the powers and privileges of municipalities not inconsistent therewith. The Mayor and Board of Commissioners of the City of Albemarle shall constitute its governing body and in the conduct of said modified "Plan D" government for the City of Albemarle, the mayor and board of commissioners shall have and exercise all such powers and duties, not inconsistent therewith, as are now conferred upon the mayor and board of commissioners by the Charter of the City of Albemarle and its general ordinances and any amendments thereto.

Sec. 4. In the event said "Plan D" form of government, as modified by this Act, shall be adopted, the mayor and board of commissioners shall appoint a city manager. He shall be appointed with regard to merit only, and he need not be a resident of the City of Albemarle when appointed. He shall hold office at the pleasure of the mayor and board of commissioners and shall receive such compensation as the board shall fix.

Sec. 5. In the event said "Plan D" form of government, as modified by this Act, shall be adopted, the Mayor and Board of Commissioners of the City of Albemarle shall have the power and authority, in their discretion, to designate, prescribe and control the manner and methods for the operation of the government of the City of Albemarle including all departments of the city government now existent or hereafter constituted, and shall have the power and authority to place in control of any or all such departments a city manager, whose duties shall be prescribed by the mayor and board of commissioners.

Sec. 6. In the event said "Plan D" form of government, as modified, is adopted, none of the legislative powers of the City of Albemarle or its board of commissioners shall be abridged or impaired by this Act or by the adoption of said modified "Plan D" government for the City of Albemarle and all such legislative powers shall continue to be possessed and exercised by the Mayor and Board of Commissioners of the City of Albemarle. In addition, all ordinances, resolutions, orders, or other lawful regulations of the City of Albemarle or any authorized commission, committee, body or official thereof, existing at the time said modified "Plan D" is adopted shall continue in full force and effect until annulled, repealed, modified or superseded as provided by law.

Sec. 7. In the event said "Plan D", as modified by this Act is adopted at such election, the board of commissioners shall continue to be the governing body of the City of Albemarle, and the mayor and members of the board of commissioners shall be elected as now provided by the Charter of the City of Albemarle and any amendments thereto, and the meetings of the board and the business of the board shall be held and transacted in accordance with the Charter and General Ordinances of the City of Albemarle now in force or hereafter amended. Vacancies shall be filled as heretofore provided for by law.

Sec. 8. The Board of Commissioners of the City of Albemarle may call said election and said election may be held at any time within two years after the effective date of this Act.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1961.