

PART I
THE CHARTER

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CHARTER

Editor's note:

Printed herein is the Charter of the City of Eden, Session Laws of 1967, Chapter 967 ratified on June 27, 1967. Style and capitalization have not been made uniform. Obviously misspelled words have been corrected without notation. Amendments have been included and are indicated by a history note immediately following the amended section.

ARTICLE I INCORPORATION AND CORPORATE POWERS

SEC. 1.1 INCORPORATION AND GENERAL POWERS.

The inhabitants of the territory hereinabove described [in Session Laws of 1967, c. 967, § 2] shall be a body politic and corporate under the name and style of a city named as hereinabove provided [in Session Laws of 1967, c. 967, § 1], and shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges and immunities of every name and nature.

SEC. 1.2 EXERCISE OF POWERS.

All powers, functions, rights, privileges and immunities of the city, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the city council, and as provided by the General Laws of North Carolina pertaining to municipal corporations, their officers, agencies or employees.

ARTICLE II CORPORATE BOUNDARIES

SEC. 2.1 DESCRIPTION.

The corporate limits of the city until changed in accordance with law shall be as hereinabove provided [in Session Laws of 1967, c. 967, § 2].

SEC. 2.2 EXTENSION OF BOUNDARIES.

All extensions of the corporate boundaries of the city shall be governed by the General Statutes of North Carolina.

ARTICLE III MAYOR AND CITY COUNCIL**SEC. 3.1 COMPOSITION OF CITY COUNCIL; METHOD OF ELECTION.**

The city council shall consist of seven members; the city shall be divided into seven electoral districts; council members shall be apportioned, one to each district, so that each member represents the same number of persons as nearly as possible; and members shall reside in and represent the respective districts according to the apportionment plan adopted, but all members shall be elected by all the qualified voters of the city. (Amended 6-18-73)

SEC. 3.2 TERMS; QUALIFICATIONS; VACANCIES.

(a) The members of the city council shall serve for terms of four years; members representing electoral districts 3, 4 and 5 shall be elected at the regular municipal election to be held on Tuesday after the first Monday in November, 1973; the members representing electoral districts 1, 2, 6 and 7, shall serve until their successors are duly elected at the regular municipal election to be held on Tuesday after the first Monday in November, 1975, and duly qualified. Members of the council shall continue to serve until their respective successors are elected and qualify.

(b) Any qualified elector of an electoral district shall be eligible to be a candidate for councilman from such district.

(c) If any elected councilman shall refuse to qualify, or if there be any vacancy in the office of mayor or councilman after election and qualification, the remaining members of council shall by majority vote appoint some person qualified to hold such office under the requirements of the preceding subsection, to serve for the remainder of the unexpired term. (Amended 6-18-73)

SEC. 3.3 MAYOR AND MAYOR PRO TEMPORE.

(a) The mayor shall be elected by all the qualified voters of the city for a term of four years. The mayor shall be elected at the next regular municipal election to be held on Tuesday after the first Monday in November, 1973.

(b) Any qualified elector of the city shall be eligible to be a candidate for mayor.

(c) The mayor shall preside at all council meetings, but shall have the right to vote only when there are equal numbers of votes in the affirmative and in the negative.

(d) The mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the General Laws of North Carolina, by this Charter, and by the ordinances of the city.

(e) The city council shall choose one of its number to act as mayor pro tempore, and he shall perform the duties and exercise the powers of the mayor in the mayor's absence or disability. The mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the council. A councilman serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a councilman for all purposes, including the determination of whether a quorum is present. (Sess. Laws 1969; amended 6-18-73; amended 5-27-03)

SEC. 3.4 COMPENSATION. (REPEALED)

(Repealed 3-18-08)

SEC. 3.5 ORGANIZATIONAL MEETING; OATHS OF OFFICE.

(a) The council may fix the date and time of its organizational meeting, provided it shall not be later than the date and time of the first regular meeting of the council in December after the results of the municipal election have been certified. The organization of the council shall take place notwithstanding the absence, death, refusal to serve, failure to qualify, or nonelection of one or more members, but at least a quorum of members must be present.

(b) The newly elected mayor and councilmen shall qualify by taking the oath of office prescribed in article VI, section 7 of the Constitution of the State of North Carolina. (Amended 6-18-73; amended 5-27-03)

SEC. 3.6 MEETINGS OF COUNCIL; RULES OF PROCEDURE.

(a) Regular meetings. The council shall fix the time and place for its regular meetings.

(b) Special meetings. The mayor, the mayor pro tempore, or any two members of the council may at any time call a special meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice.

(c) Emergency meetings. The mayor, the mayor pro tempore, or any two of the council members may at any time call an emergency meeting because of generally unexpected circumstances that require immediate consideration by the council by signing a written notice stating the time and place of the meeting and the subjects to be considered. Emergency meetings may be held at any time when the mayor and all members of the council are present and consent thereto, or when those present have signed a written waiver of notice. Only those items of business specified in the notice may be transacted at an emergency meeting, unless all members are present or have signed a written waiver of notice.

(d) The council may adopt its own rules of procedure, not inconsistent with the city Charter, general law or generally accepted principles of parliamentary procedure. (Amended 6-18-73; amended 9-19-78)

SEC. 3.6.1 NOTICE OF MEETINGS.

(a) Regular meetings. A schedule of the regular meetings shall be filed in the office of the city clerk and shall be posted at city hall.

(b) Special meetings. Notice of special meetings shall be delivered to the mayor and each councilman or left at his usual dwelling place at least forty-eight hours before the special meeting. In addition, notice of a special meeting shall:

(1) Be posted at city hall; and

(2) Be mailed or delivered to each news medium which has requested such special meeting notice. News media asking for special meeting notice shall annually request such notice in writing, filing such request with the city clerk and paying therewith an annual fee as established by the council to cover the costs of providing such notice.

(c) Emergency meetings. Notice of emergency meetings shall be delivered to the mayor and each councilman or left at his usual dwelling place at least six hours before the emergency meeting. In addition, notice of an emergency meeting shall be given to each local news medium which has filed a written request for notice with the city clerk. Notice shall be given to each such local news medium by telephone or by delivering such notice to the principal local office of such news medium at least six hours before an emergency meeting.

(d) The city manager shall cause all notices to be posted, mailed, delivered or telephoned as required by this section. (Amended 9-19-78; amended 5-27-03)

SEC. 3.7 QUORUM; VOTES.

(a) A majority of the membership of the council shall constitute a quorum. The number required for a quorum shall not be affected by vacancies. A member who has withdrawn from a meeting without

being excused by a majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

(b) No member shall be excused from voting except upon matters involving the consideration of his own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative.

An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue (including the mayor's vote in case of an equal division) shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the members of the council (not including the mayor unless he has the right to vote on all questions before the council). (Amended 6-18-73)

SEC. 3.8 ORDINANCES AND RESOLUTIONS.

The adoption, amendment, repeal and pleading of ordinances of the city shall be in accordance with the applicable provisions of the General Laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and shall be entered upon the minutes of the council.

The enacting clause of all ordinances shall be "Be it ordained by the City Council of the City of [Eden]." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein. (Amended 6-18-73)

ARTICLE IV ELECTION PROCEDURE

SEC. 4.1 REGULAR CITY ELECTIONS.

Regular city elections shall be held on Tuesday after the first Monday in November, 1973, and on Tuesday after the first Monday in November every two years thereafter. (Amended 6-18-73)

SEC. 4.2 VOTING.

Each qualified elector of the city shall be entitled to vote for one candidate for councilman from each electoral district in which a councilman is up for election. And each qualified elector of the city shall be entitled to vote for one candidate for mayor.

The candidate for councilman from each electoral district who receives the largest number of votes cast for candidates for councilman in that electoral district wherein he resides shall be declared elected.

The candidate for mayor who receives the largest number of votes cast for candidates for mayor shall be declared elected. (Amended 6-18-73)

SEC. 4.3 FILING OF CANDIDATES. Repealed Sess. Laws 2003-82 (5-27-03).

SEC. 4.4 ELECTORAL DISTRICTS.

The council shall divide the city into seven electoral districts and shall cause a map of the districts so laid out to be drawn up and filed as provided by General Statutes, sections 160A-22 and 160A-23. An initiative petition may specify the number of electoral districts to be laid out, but the drawing of district boundaries and apportionment of members to the districts shall be done in all cases by the council. (Amended 6-18-73)

SEC. 4.5 REGULATION OF ELECTIONS.

Except as otherwise provided in this Charter, all city elections shall be conducted in accordance with the general laws relating to municipal elections. (Amended 6-18-73)

ARTICLE V CITY ATTORNEY

SEC. 5.1 APPOINTMENT; QUALIFICATIONS; TERM; COMPENSATION.

The city council shall appoint a city attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the city during his tenure. The city attorney shall serve at the pleasure of the council and shall receive such compensation as the council shall determine.

SEC. 5.2 DUTIES.

It shall be the duty of the city attorney to prosecute and defend suits for and against the city; to advise the mayor, the city council and other city officials with respect to the affairs of the city; to draw all legal documents relating to the affairs of the city; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the city may be concerned; to attend meetings of the council; and to perform such other duties as may be required of him by virtue of his position as city attorney. (Amended 5-27-03)

ARTICLE VI ADMINISTRATIVE SERVICE**SEC. 6.1 GENERAL AUTHORITY.**

The city council may appoint and fix the compensation of such administrative officers, department heads, and employees as it shall deem necessary to administer the affairs and government of the city. The council may establish such departments of the city as it shall deem best.

SEC. 6.2 CITY CLERK.

The council may appoint a city clerk, to keep a journal of the proceedings of the council, to maintain in a safe place all records and documents pertaining to the city, and to perform such other duties as may be required.

Statutory reference:

Public records, see G.S. §§ 132-1 et seq.

Examination and inspection, see G.S. § 132-6

SEC. 6.3 CITY TAX COLLECTOR.

The council may appoint a tax collector to collect all taxes, licenses, fees, and other moneys belonging to the city, subject to the provisions of this Charter and the ordinances of the city, and he shall diligently comply with and enforce all the General Laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

SEC. 6.4 CITY ACCOUNTANT.

The council may appoint a city accountant to perform the duties of accountant as prescribed by the Municipal Fiscal Control Act.

SEC. 6.5 CONSOLIDATION OF FUNCTIONS.

The council may, in its discretion, consolidate any two or more of the positions of offices described in the preceding three sections, or may assign the functions of any one or more of such positions to the holder or holders of any other of such positions.

SEC. 6.6 DELEGATION OF AUTHORITY.

The city council may, in its discretion, by ordinance delegate to some administrative officer of the city its authority to appoint, remove and supervise other officers, department heads, and employees, including those officers named in this article and those authorized or required by general law. Such officer may be given such title as the council deems proper, and such other authority as may lawfully be delegated by it.

ARTICLE VII CLAIMS AGAINST THE CITY***Editor's note:***

This article has been deleted as the state repealed it in its entirety in Section 6 of Sess. Laws 2003-82, ratified on May 27, 2003.

ARTICLE VIII RETIREMENT SYSTEM***Editor's note:***

This article has been deleted as the city has abolished the retirement system created in the Charter by resolution adopted on July 18, 1985, pursuant to authority granted in Session Laws of 1983, Ch. 723, Ratified on July 11, 1983, and has joined the North Carolina Local Governmental Employees Retirement System, G.S. § 128-25.