

## CHARTER

### AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF GOLDSBORO AND TO REPEAL EXISTING CHARTER AND SPECIAL ACTS.

The General Assembly of North Carolina enacts:

*Section 1.* The charter of the City of Goldsboro is hereby revised and consolidated to read as follows:

#### **ARTICLE I. INCORPORATION AND CORPORATE POWERS**

##### **Sec. 1.1 INCORPORATION AND GENERAL POWERS.**

The inhabitants of the City of Goldsboro, within the corporate limits as now or hereafter established shall be and continue as they have heretofore been a municipal body politic and corporate, under the name of the City of Goldsboro. The City of Goldsboro shall have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the Constitution, by the general laws of the State of North Carolina and by this charter. The enumeration of particular powers by the charter shall not be deemed to be exclusive, and it is intended that the City of Goldsboro shall have and exercise all powers which, under the Constitution and the laws of the State of North Carolina, it would be competent for this charter specifically to enumerate.

('70 Code, Charter Sec. 1.1)

#### **ARTICLE II. CORPORATE BOUNDARIES**

##### **Sec. 2.1 EXISTING CORPORATE BOUNDARIES.**

(a) The corporate limits of the City shall be those existing at the time of the ratification of this charter and as the same may be altered from time to time in accordance with law. The city engineer shall prepare a map to be designated "Map of the City of Goldsboro Corporate Limits" showing the corporate limits as the same may exist as of the effective date of this charter. The city engineer shall also prepare a written description of the corporate limits as shown on said map to be designated "Description of Goldsboro Corporate Limits." Said map and description shall be retained permanently in the office of the city clerk as the official map and a description of the corporate limits of the city.

**Charter**

7

(b) An affirmative vote equal to a majority of the members of the city council and the mayor, who are not excused from voting on the question, shall be required to adopt any ordinance or any resolution or motion having the effect of an ordinance. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date it is introduced except by an affirmative vote equal to or greater than two-thirds (2/3) of all members of the city council and the mayor. No member of the city council, including the mayor, shall be excused from voting except on matters involving the consideration of his own official conduct or involving his own financial interests. The question of the compensation allowances of the city council and mayor shall not be considered to involve a member's own financial interests or official conduct.

('70 Code, Charter Sec. 3.9) (Ord. 1987-17, passed 3-9-87)

**Sec. 3.10. ORDINANCES AND RESOLUTIONS.**

The adoption, amendment, repeal, pleading or proving of ordinance 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 entered upon the minutes of the council. The enacting clauses of all ordinances shall be: "Be it ordained by the city council of the City of Goldsboro." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein or unless otherwise provided by general law.

('70 Code, Charter Sec. 3.10) (Ord. 1987-17, passed 3-9-87)

**Sec. 3.11. ADOPTION OF ORDINANCES OR CODE BY REFERENCE.**

The city council is hereby authorized to adopt by reference the provisions of any portion of any recognized standard code prepared by the various technical trade associations, relating specifically, but not limited to, building codes, plumbing codes, electrical wiring codes, health or sanitation codes, fire prevention codes, inflammable codes or any other codes which embrace rules and regulations pertinent to a subject which is a proper municipal legislative matter, without setting forth the provisions of such codes in full; provided that at least one copy of each such code which is incorporated or adopted is kept in the office of the city clerk for public use, examination and inspection. Any existing ordinance which has incorporated by reference the provisions of any such code is hereby expressly validated.

('70 Code, Charter Sec. 3.11) (Ord. 1987-17, passed 3-9-87)

**ARTICLE IV. ELECTION PROCEDURE****Sec. 4.1. REGULAR MUNICIPAL ELECTIONS.**

Elections shall be held quadrennially on the Tuesday after the first Monday in November. The municipal primary election, if one be required, for the nomination of candidates for the offices of Mayor and Aldermen shall be held on the fourth Tuesday, preceding the regular municipal election.

('70 Code, Charter Sec. 4.1)

**Goldsboro - Charter****Sec. 3.7. ORGANIZATIONAL MEETING OF THE CITY COUNCIL.**

The organizational meeting of the city council shall be the first regular meeting after the regular city election. At the organization meeting, the newly elected mayor and city council shall take the following oath of office:

"I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as \_\_\_\_\_, so help me God."

The organization of the city council shall take place notwithstanding the absence, death, refusal to serve, failure to qualify or nonelection of the mayor or one or more of the city council, but at least a quorum of the city council must be present.

('70 Code, Charter Sec. 3.7) (Ord. 1987-17, passed 3-9-87)

**Sec. 3.8. MEETING OF CITY COUNCIL.**

(a) The city council shall fix suitable times for its regular meetings which shall be as often as twice a month. Special meetings may be called in accordance with the procedure set forth in the general law dealing with special meetings of municipalities.

(b) Except where otherwise specifically provided by this charter, the council shall have authority to determine the time and place of council meetings, to make such provisions as it may deem wise relative to regular, special, adjourned and continued meetings, to adopt rules of procedure, and generally to regulate the time, place and manner and method of the exercise of its powers. All meetings shall be held within Wayne County, except in the case of an emergency. In the event the council is authorized or required by law to hold a joint meeting with the governing body of another municipality or political subdivision of the State of North Carolina, it may at its election meet with the other governing body at a designated place within the area subject to the jurisdiction of the other governing body.

('70 Code, Charter Sec. 3.8) (Ord. 1987-17, passed 3-9-87)

**Sec. 3.9. QUORUM; VOTES.**

(a) For purposes of voting, the city council shall consist of the six (6) council members and the mayor. A majority of the six (6) council members and the mayor shall constitute a quorum for the conduct of business. However, a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance. The number required for a quorum shall not be affected by vacancies in the office of city council or mayor. If the mayor or a member of the city council has withdrawn from a meeting without being excused by a majority vote of the remaining members present, such member shall be counted as present for purposes of determining whether or not a quorum is present.

**Charter**

5

such powers and perform such duties as are or may be conferred upon him as mayor by the general laws of North Carolina, by this Charter, and by the Ordinances of the City.  
('70 Code, Charter Sec. 3.3) (Ord. 1987-17, passed 3-9-87)

**Sec. 3.4. MAYOR PRO-TEM.**

The city council and mayor shall choose a member of the city council as mayor pro-tem. The mayor pro-tem shall perform the duties of the mayor in the mayor's absence or disability. The mayor pro-tem shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining city council and mayor.

('70 Code, Charter Sec. 3.4) (Ord. 1987-17, passed 3-9-87)

**Sec. 3.5. TERMS, QUALIFICATIONS, VACANCIES.**

(a) The mayor and members of the city council shall serve for terms of four (4) years, beginning the day and hour of the organizational meeting following their election; provided, they shall serve until their successors are elected and qualified.

(b) No person shall be eligible to be elected as mayor unless he is a resident and a qualified voter of the city.

(c) No person shall be eligible to be a candidate or be elected as a member of the city council or serve in such capacity unless the council member resides in the district in which the council member is elected and unless the council member is a qualified voter of the city.

(d) In the event a vacancy occurs in the office of mayor, the city council shall by a majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

(e) In the event a vacancy occurs in the city council, the mayor and remaining council members shall by a majority vote appoint some qualified person residing in the district in which the vacancy occurs to fill the same for the remainder of the unexpired term.

('70 Code, Charter Sec. 3.5) (Ord. 1987-17, passed 3-9-87)

**Sec. 3.6. COMPENSATION OF MAYOR AND CITY COUNCIL.**

The city council and mayor may fix compensation of the city council and mayor in such sums as may be just and reasonable.

('70 Code, Charter Sec. 3.6) (Ord. 1987-17, passed 3-9-87)

**Goldsboro - Charter**

Immediately upon alteration of the corporate limits made pursuant to law from time to time the city engineer shall indicate such alteration by making appropriate changes and/or additions to said official map and description. Photographic types or other copies of said official map or description certified as by law provided for the certification of ordinances shall be admitted in evidence in all courts and shall have the same force and effect as would the official map or description.

(b) The city clerk shall require the redrawing of the official map and the rewriting of the official description as may from time to time be required. A redrawn map and a rewritten description shall supersede for all purposes the earlier maps and descriptions which are respectively replaced. ('70 Code, Charter Sec. 2.1)

**Sec. 2.2. EXTENSION OF CORPORATE BOUNDARIES.**

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

('70 Code, Charter Sec. 2.2)

***ARTICLE III. MAYOR AND CITY COUNCIL*****Sec. 3.1. COMPOSITION OF CITY COUNCIL.**

The city council shall consist of six (6) members to be elected by the qualified voters of the city in accordance with section 3.2 and in the manner provided in Article IV.

('70 Code, Charter Sec. 3.1) (Ord. 1987-17, passed 3-9-87)

**Sec. 3.2. MODE OF ELECTION OF CITY COUNCIL.**

The city shall be divided into six (6) single-member electoral districts and the qualified voters of each district shall elect one council member who resides in the district, for the seat apportioned to that district.

('70 Code, Charter Sec. 3.2) (Ord. 1987-17, passed 3-9-87)

**Sec. 3.3. MAYOR.**

The mayor shall be elected by and from the qualified voters of the city voting at-large in the manner provided in Article IV. The mayor shall be the official head of the city government. The mayor shall preside at all meetings of the city council and shall vote on all matters before the city council and fully participate as other members of the city council. In addition, the mayor shall exercise

**Goldsboro - Charter*****Editor's note:***

*Session Laws 1975, Ch. 245, § 1, amended § 3.3(a) of the Charter by changing the terms of the mayor and board of aldermen from two years to four years. In § 4.1 the editors have substituted the term "quadrennially" for the term "biennially" in order to avoid conflict between § 3.1(a) and § 4.1.*

**Sec. 4.2. ELECTIONS TO BE BY NONPARTISAN PRIMARY METHOD.**

Elections for mayor and board of aldermen shall be by the nonpartisan primary and election method set out in North Carolina General Statute 163-294. All elections and referendums of the City of Goldsboro shall be held and conducted as provided by the applicable General Statutes of North Carolina.

('70 Code, Charter Sec. 4.2)

**ARTICLE V. CITY MANAGER****Sec. 5.1. APPOINTMENT; COMPENSATION.**

The board of aldermen shall appoint an officer whose title shall be city manager and who shall be the head of the administrative branch of the city government. The city manager shall be chosen by the board of aldermen solely on the basis of his executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At the time of his appointment, he need not be a resident of the city or state, but shall reside therein during his tenure of office. The city manager shall serve at the pleasure of the board of aldermen and shall receive such salary as the board of aldermen shall fix. In case of absence or disability of the city manager, the aldermen may designate a qualified administrative officer of the city to perform the duties of the manager during such absence or disability.

('70 Code, Charter Sec. 5.1)

**Sec. 5.2. POWERS AND DUTIES OF MANAGER.**

The city manager shall be responsible to the board of aldermen for the proper administration of all the affairs of the city. In exercising his duties as chief administrator, he shall have the following powers and duties:

(a) He shall appoint and suspend or remove all city employees, except the city attorney [H-and the tax collector], in accordance with such general personnel rules, regulations, policies, or ordinances as the board of aldermen may adopt.

(b) He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the board of aldermen, except as otherwise provided by law.