



SENATE BILL 156: Mt. Gilead Charter Revision & Consolidation

2015-2016 General Assembly

Committee: House Local Government
Introduced by: Sen. Bingham
Analysis of: PCS to Second Edition
S156-CSRWF-44

Date: August 5, 2015
Prepared by: Giles S. Perry
Committee Counsel

SUMMARY: Senate Bill 156 would revise and consolidate the charter of the Town of Mount Gilead in Montgomery County.

[As introduced, this bill was identical to H11, as introduced by Rep. Goodman, which is currently in House Local Government.]

[As introduced, this bill was identical to H11, as introduced by Rep. Goodman, which is currently in House Local Government.]

CURRENT LAW: The Town of Mount Gilead was incorporated in 1898. The Town charter has been revised multiple times since then, but has not been consolidated into one document. In 2004, the Board of Commissioners of the Town of Mount Gilead enacted an ordinance to adopt the council-manager form of government. Prior to 2004, the Town had operated under the mayor-council form of government.

BILL ANALYSIS: Senate Bill 156 revises and consolidates the Charter of the Town of Mount Gilead and expressly repeals various local acts because those acts have served their purpose or they have been consolidated into this act.

Senate Bill 156 would also establish a recall provision for the Town’s elected officials, which has not previously been in place. The process for recall would be as follows: The petition would have to be signed by at least twenty five percent (25%) of the number of qualified voters of the Town as shown by the registration records of the last preceding municipal election. The signed petition would have to be verified by the Montgomery County Board of Elections. Upon a determination that a sufficient recall petition has been submitted, the Town's Board of Commissioners must order a recall election and fix a date for the election, which cannot be less than 60 days, or more than 100 days, after the petition is determined sufficient.

If less than a majority of the votes cast are for the officer’s recall, the officer continues in office. If a majority of the votes cast on the question are for the officer’s recall, the officer is removed on the date the Montgomery County Board of Elections certifies the results of the election. A vacancy created by removal of the Mayor or a member of the Board of Commissioners must be filled by appointment by the remaining members of the Board of Commissioners.

Limitations placed on the filing of petitions for recall elections would be as follows:

- No petition could be filed within 6 months of the officer’s election to office or within 6 months prior to the expiration of the officer’s term.
- No more than one recall election for the elected person could be called during that elected person's term.



Senate Bill 156

Page 2

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: Other jurisdictions with recall procedures include: Aberdeen (S.L. 1995-220), Asheville (S.L. 1969-313), Cajah Mountain (S.L. 2006-99), Carrboro (S.L. 1993-358), Chapel Hill (S.L. 1993-358), Clemmons (S.L. 1981-57), Durham (S.L. 1987-280), Foxfire Village (S.L. 1977-237), Greensboro (S.L. 2008-48), Hickory (S.L. 1961-323), Lewisville (S.L. 1991-116), Lumberton (S.L. 1971-166), Morganton (S.L. 2014-12), Pinebluff (S.L. 1981-1193), Pleasant Garden (S.L. 2008-3), Raleigh (S.L. 1973-319), Randleman (S.L. 2000-94), River Bend (S.L. 1995-636), Ronda (S.L. 2013-21), Statesville (S.L. 1985-570), Topsail Beach (S.L. 2011-76), Troutman (S.L. 1981-144), and the Burke County Board of Education (S.L. 2011-157) and Chapel Hill-Carrboro Schools (S.L. 1993-660).

Kelly Tornow, counsel to Senate State and Local Government, and Heather Fennell, Counsel to Senate Finance, substantially contributed to this summary.