

of the budget year, the head of each office, department or agency shall submit to the city manager, when required by him, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department or agency, by monthly periods, for the entire budget year. The city manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to said office, department or agency for the budget year.

SECTION 65: The city manager shall file a copy of the allotments with the director of finance, who shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. An approved allotment may be revised during the budget year in the same manner as the original allotment was made. If, at any time during the budget year, the city manager shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he shall reconsider the work programs and allotments of the several offices, departments and agencies and revise the allotments so as to forestall the making of expenditures in excess of the said income.

SECTION 66: The city manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the city manager and within the last three months of the budget year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another. No transfer shall be made from the appropriations required by subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i) of section 54 of this charter.

SECTION 67: No officer, department, or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditures of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter shall be null and void. Any officer or employee of the city who shall violate this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to hold his office or employment. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

SECTION 68: All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

SECTION 69: Any fees received by any officer or employee shall belong to the city government and shall be paid daily to the department of finance.

SECTION 70: There shall be established in the department of finance a division of purchases, the head of which shall be the city purchasing agent. This purchasing agent shall constitute either the director of finance or the city manager. The purchasing agent, pursuant to rules and regulations established by ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city government. The purchasing agent shall have power and shall be required to:

1. Establish and enforce specifications with respect to supplies, material, and equipment required by the city government;
2. Inspect or supervise the inspection of all deliveries of supplies, materials, and equipment, and determine their quality, quantity and conformance with specifications;
3. Have charge of such general storerooms and warehouses as the council may provide by ordinance;
4. Transfer to or between offices, departments or agencies, or sell surplus, obsolete, or unused supplies, material and equipment.

SECTION 71: Before the city purchasing agent makes any purchase of or contract for supplies, materials or equipment, he shall give ample opportunity for competitive bidding, under such rules and regulations, and with such exceptions, as the council may prescribe by ordinance; provided, however, that the council shall not except individual contracts, purchases or sales from the requirement of competitive bidding. Nor shall the council prescribe by ordinance any rule contrary to the general law of the state of North Carolina governing municipal corporations.

SECTION 72: Any city improvement costing more than \$1,000.00 shall be executed by contract except where such improvement is authorized by the council to be executed directly by a city department in conformity with detailed plans, specifications and estimates. All such contracts for more than \$1,000.00 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the city manager shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the council upon the written recommendation of the city manager, provided, however, the direction given in this section shall not be beyond the general law as is prescribed for the handling of contracts with respect to municipal corporations in the state of North Carolina.

SECTION 73: All purchases made

and contracts executed by the purchasing agent shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the director of finance certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

SECTION 74: No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court of law.

SECTION 75: Emergency appropriations and borrowing to meet emergency appropriation or borrowing in anticipation of property taxes or other revenues shall be governed by the constitution and the general laws of North Carolina applicable to municipal corporations.

ARTICLE 7

SECTION 76: There shall be a City Planning Board or Commission which shall consist of five members who shall be appointed by the Council, none of whom shall hold any other public office or position in the city. The city manager and mayor shall serve as ex-officio members of the Commission. The Commission shall elect its Chairman from among the appointed members.

ARTICLE 8

SECTION 77: That the city of Kings Mountain shall be divided into five wards as follows:

Ward No. 1

Beginning at a point in the center of Southern Railroad eight hundred and twenty-five feet northeast of the northwest corner of the Southern depot and running thence nearly east to the end of Gaston Street; thence with Gaston Street southerly to the corporate limits of the Town; thence with the corporate limits south eighty-eight west three thousand eight hundred and twenty feet to a stake; thence with said corporate limits north fifty-six west one thousand three hundred and fifty feet to the center of the Southern Railroad; thence with the Southern Railroad northerly to the beginning.

Ward No. 2

Beginning at a point in the center of Southern Railroad eight hundred and twenty-five feet northeast of the northwest corner of the Southern depot and running thence nearly east to the end of Gaston Street; thence with Gaston Street southerly to the corporate limits of the Town; thence with the corporate limits North forty-one East four thousand nine hundred and fifty feet to a stake in said city limits; thence with the corporate limits north twelve and one-half west to the Parker branch or Crowders Creek; thence upon the Parker Branch to the beginning.

Ward No. 3

Beginning at a point in the center of Southern Railroad eight hundred and twenty-five feet northeast of the northwest corner of the Southern depot and running thence nearly east to the end of Gaston Street near Parker Branch thence down said branch easterly to the corporate limits; thence with the corporate limits North twelve and one-half West five thousand two hundred and seventy feet to a stake in the said corporate limits; thence with said corporate limits North sixty-one West one thousand one hundred and seventeen feet to the center of the Southern Railroad; thence with the said Southern Railroad southerly to the beginning.

Ward No. 4

Beginning at a point in the center of Southern Railroad eight hundred and twenty-five feet northeast of the northwest corner of the Southern depot and running northerly to the corporate limits; thence with the corporate limits North sixty-one West two thousand and seventy feet to a stake on the Cherryville Road; thence with the corporate limits South fifty-five and one-half West two thousand nine hundred and sixteen feet to a stake; thence with the corporate limits South forty West to the Waco Road; thence with the Waco and Piedmont Street to the beginning.

Ward No. 5

Beginning at a point in the center of Southern Railroad eight hundred and twenty-five feet northeast of the northwest corner of the Southern depot and running thence northerly with Piedmont Street to Waco Road; thence with the Waco Road westerly to the corporate limits; thence with the corporate limits South forty west eight thousand five hundred and fifty feet to a stake, corner of the corporate limits; thence with the corporate limits South fifty-six East four thousand two hundred and seventy-five feet to the center of the Southern Railroad, corner of Ward One; thence with the Southern Railroad northerly to the beginning.

SECTION 78: That on the second Tuesday after the first Monday in May, 1949, and biennially thereafter, there shall be elected five city councilmen, one from each of the five wards of the city, which wards are defined and described by city map on file in the office of the clerk of the city. Each candidate for councilman shall reside in the ward for which he offers himself a candidate, but shall be voted upon and shall be elected at large by all of the qualified voters of the city; and the candidate from each ward receiving a majority of the votes cast by the entire city shall be declared elected as councilman from the ward which he is a candidate for a term of office for two years and until his successor is elected and qualified. Every voter shall be entitled to vote for as many candidates as there are members to be elected to the council. All candidates, up to the number to be elected, who receive a majority of the votes shall be declared elected. If more than the number to be elected receive a majority vote those receiving the most votes shall be declared elected. A

majority vote for the purpose of this section shall be a majority of a number of votes determined by dividing the total votes of all candidates by the number of persons for whom each voter is entitled to cast a vote. If there are one or more positions for which no one is elected at the first election, a second election shall be held two weeks later. In the second election there shall be printed on the ballot twice as many names as there are positions to be filled from the unselected candidates polling the largest number of votes in the first election. In this election, the remaining positions shall be filled by declaring elected the several candidates polling the largest number of votes. Any ties shall be decided by lot.

SECTION 79: The council may by resolution order a special election at any time, for the election of a new council by the qualified electors of the city. The term "qualified elector" as used in this charter shall mean a citizen having the qualifications required by law to vote in the city who is at the time registered to vote or, if no later complete registration is in effect at the time, was registered to vote in the city at the last preceding general election. Any special election of the council shall be held as nearly as practicable according to the provisions for a regular election. The purpose of this section is to provide for the election of a member to the council in case of a vacancy.

SECTION 80: The council shall make such regulations it considers needful or desirable, not inconsistent with this charter and the general election laws of North Carolina for the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in the case of doubt or fraud. Municipal elections shall be conducted by the regular election officials, who shall also have power to make such regulations not inconsistent with this charter and the general election laws of North Carolina together with any regulations made by the council.

SECTION 81: Any qualified elector of the city may offer himself as a candidate for any place on the council by depositing with the city clerk the sum of \$5.00, together with an announcement properly prepared as he may see fit, stating among other things that he desires that his name be placed before the qualified voters of the city to be voted on by all qualified electors or persons who are qualified to vote in the city election for the position he is announcing or desires to hold. This payment and announcement must be made by any qualified elector seeking to be elected to any office not earlier than ninety days nor later than thirty days before the election, and unless the deposit is made of the aforesaid amount and drawn, stating which place or office he seeks, said elector's name shall not be placed on the ballot.

SECTION 82: Any election held within the city shall be governed by the general laws of the state of North Carolina controlling or pertaining to the election of any person to office. The same voting places as heretofore designated by the town or city officials shall be continued as at present. The checking of returns and the rules for counting ballots shall be the same as provided under the general election laws of the state of North Carolina, and this charter.

SECTION 83: (a) If one or more vacancies occur in the council or the trustees for the schools at any time, they shall be filled by a recount of the ballots which were credited to the vacating member or members together with the other ballots which were not credited to any of the elected members remaining in office. Any such recount shall be conducted according to the provisions for the original count except that:

1. The rules for assembling and checking the ballots and arranging them by precincts may be disregarded.
2. All choices marked for members of the council or said school trustees in office, and members who have resigned from the council or school trustees since the last election of said councilmen or trustees, or for candidates who have become ineligible for the council or have expressed to the election authorities in writing their desire to withdraw shall be disregarded. All other candidates at the original election shall be treated as eligible in the recount and the ballots sorted and counted according to the choices marked on them for such candidates.
3. The number of councilmen and trustees of the school to be elected shall be equal to the number of vacancies.

(b) If a vacancy occurs which cannot be filled by the foregoing procedure, the council may by a majority vote of the remaining members appoint a qualified person to fill it, both for the vacancy in the council and the trustees of the school, for the remainder of the unexpired term.

(c) If all the places on the council or trustees of the school should for any cause become vacant at once and the vacancies cannot be filled by the foregoing procedure, the election authorities shall call a special election of members to serve for the remainder of the unexpired term, except that if a regular election for members of the council to serve for the next regular term has been held already, or is to be held in less than sixty days after the occurring of the vacancies, such a special election need not be held and the members elected to the council at the regular election shall take office forthwith or as soon as the regular election is completed. All special elections shall be held in accordance with the provisions of this charter applicable thereto.

ARTICLE 9

SECTION 84: That as the present term of the five members of the trustees of the Kings Mountain Graded School District shall expire, dating from the second Tuesday after the first Monday in May 1947, there shall be elected on the second Tuesday after the first Monday in May 1949, and biennially thereafter,

a trustee or trustees for said Kings Mountain graded school district whose term of office shall be for only two years. There shall be elected one trustee for said school district from each city ward, as hereinbefore described, except all territory within the Kings Mountain Graded School District situated outside the corporate limits of the city and on the East side of the Southern Railroad shall be added to City Ward No. 3; and all territory within the Kings Mountain Graded School District situated outside the corporate limits of the city and on the West side of the Southern Railroad shall be added to City Ward No. 4.

SECTION 85: That it shall be the duty of the city council of the city of Kings Mountain to declare at what place or places in each ward the election shall be held and said board or council in its discretion may provide for the election of two or more wards to be held in one ward but that separate voting places shall be had for each ward; that said council shall give due notice of the establishment of said voting places by publication in some newspaper in the city four weeks before each election and by posting a notice in five public places in said city, one in each ward. A new registration as provided under the general election laws of North Carolina shall be determined upon and ordered as the said city council may find advisable from time to time, and they shall appoint a registrar for each ward, and shall give notice of registration by posting a notice in a public place in each ward giving the name of the Registrar and the time and place for registration. Any and all elections shall be held and conducted in accordance to the election laws of the State as specified in this Charter. That in all elections held hereunder a poll shall be kept of voters voting in said elections and shall be preserved and filed with the city clerk together with the registration books. That on the second day after any election held hereunder the City Council for the City of Kings Mountain shall invite the successful candidates for any and all said offices to meet with them at the City Hall at ten o'clock a. m. and shall then and there have administered to the successful candidates for the different offices the oath as required by law and turn over to them all of the papers, documents, and so forth which are incident to or appurtenant to the offices which they have been elected.

ARTICLE 10

SECTION 86: Any officer or employee whom the city manager, or a head of any office, department or agency, may appoint a successor, may be removed by the manager or other appointing officer at any time, subject however to a public hearing before the city council in the event said officer or employee desires same, the decision of the manager or other appointing officer shall not be final, and there shall be an appeal therefrom to the city council who shall act as a court to determine the fairness or the unfairness of said charges; at such hearing the person, officer or employee who has been removed may present such evidence as he or she may see fit to prove or to substantiate their contention that they have been dismissed unfairly. The final decision shall rest with the city council as to whether the said officer or employee dismissed by the city manager or the head of any office, department or agency, shall be finally discharged.

SECTION 87: The city manager, the heads of all departments, and such other officers of the city as may be designated by vote of the council, shall be entitled to sit in the council, but shall have no vote therein. The city manager shall have the right to take part in the discussion in all matters coming before the council, and the directors and other officers shall be entitled to take part in all discussions of the council relating to the respective offices, departments or agencies.

SECTION 88: The council, the city manager, or any person or committee, authorized by either of them shall have power to inquire into the conduct of any office, department agency or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure to obey subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed \$25.00 or by imprisonment not to exceed one month, or both.

SECTION 89: All records and accounts of every office, department, or agency of the city, shall be open to inspection by any citizen, any representative of a citizen's organization or any representative of the press at all reasonable times and under reasonable regulations established by the city manager, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

SECTION 90: No member of the council or any officer or employee of the city shall have a financial interest, direct, or indirect, or by reason of ownership of stock in any corporation, in any contract or in any sales to the city or to a contract on supplying the city any land or rights, or interest in land or material supplies or services. Any willful violation of this section shall constitute a malfeasance in office, and any officer or employee of the city found guilty thereof shall thereupon forfeit his office or position. Any violation of this section with the knowledge expressed or implied of the person or corporation contracting with the city shall render their contract voidable by the city manager or the council.

SECTION 91: The director of finance, the tax collector, and such other officers and employees of the council made by general ordinance required so to do, shall give bond in such amount and such surety as

may be approved by the council. The premiums on such bonds may be paid by the city.

SECTION 92: (a) Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

(b) "I solemnly swear or affirm that I will support the constitution and will obey the laws of the United States and the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the City of Kings Mountain, and will faithfully discharge the duties of the office of Councilman." A like oath shall be taken by the trustees of the Kings Mountain City Schools.

SECTION 93: (a) All laws and parts of laws relating to or affecting the City of Kings Mountain in force when this charter shall be adopted and become effective are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this charter; PROVIDED, however, no ordinance heretofore passed by the councilmen of the City of Kings Mountain shall be declared null and void by this charter, and to declare any of said ordinances heretofore passed invalid or to repeal same it shall be necessary for the city council to pass directly upon same and repeal same as provided by the general laws of North Carolina.

(b) In so far as the provisions of this charter are the same in terms or in substance and effect as provisions of law in force when this charter shall take effect, relating to or affecting the city of Kings Mountain, the provisions of this charter are intended not to be a new enactment but a continuation of such provisions of law, and this charter shall be so construed and applied.

SECTION 94: All persons holding administrative office at the time this charter takes effect shall continue in office and in the performance of their duty until a provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of the State shall if such office, department or agency be abolished by this charter, or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the council unless otherwise provided herein.

SECTION 95: All records, property and equipment of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this charter, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof are by this charter assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

SECTION 96: All contracts entered into by the city, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion and as nearly as practical in accordance with the provisions of such existing laws and charter provisions.

SECTION 97: No action or proceeding, civil or criminal, pending at the time when this charter shall take effect, brought by or against the city or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding the functions, powers and duties of any office, department or agency or officer party thereto may be or under this charter be assigned or transferred to another office, department or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions powers and duties have been assigned or transferred by or under this charter.

SECTION 98: Amendment and repeal of charter. This charter shall be amended or repealed as provided under Article 3 of Subchapter II, Municipal Corporation Act of 1917, same being sections 160-353 and including section 160-363 of the General Statutes of North Carolina, 1943, including any and all amendments thereto.

SECTION 99: This charter when adopted by the voters of the City of Kings Mountain, shall be known and may be cited as the "Council-Manager-Charter" of the City of Kings Mountain.

SECTION 100: If any section, or part of a section of this charter shall be held invalid by a court of competent jurisdiction, the remainder of this charter or the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

SECTION 101: For the purpose of nominating and electing members of the council, provisions of this charter shall be in effect for any regular municipal election held not less than fifty days from and after their approval by the electors of the city. For all other purposes this charter shall be in effect from and after it is declared by the present city council to be adopted by a vote of the citizenship or electors of the city of Kings Mountain.

ARTICLE 11

SECTION 102: That the city council of the city of Kings Mountain shall at all times have the right and power of condemnation of private property for public use as provided by the laws of State of North Caro-

lina, governing municipal corporations and all proceedings for the condemnation of private property for public use shall be as prescribed by the general laws of North Carolina governing municipal corporations.

SECTION 103: That the city council shall have no right to appropriate any funds from any source whatsoever except for necessary expenses as provided for under the Constitution and Statutory Law of the State, governing Municipal Corporations.

SECTION 104: That in addition to the powers given to the City Council, and as hereinbefore enumerated, they shall have the power under this charter to fix salaries of all Officers of the City including the employment of a City Attorney, Health Officer, Building Inspector, and other personnel necessary to carry into effect the provisions of this charter under the general laws of the State applicable to Municipal Corporations.

SECTION 105: That under and by virtue of this Charter the City of Kings Mountain shall have all franchises, property and rights in and to present Charter, and shall be liable and answerable under all contracts, obligations and liabilities, including notes, bonds and other indebtedness, now existing; hereby validating, ratifying and confirming all contracts and obligations of the City made prior to the ratification of this Charter.

SECTION 106: That all laws and clauses of laws, special acts of the Legislature and former charters heretofore enacted by the Legislature or by a vote of the people of the City of Kings Mountain in conflict with this Charter are hereby repealed.

SECTION 107: That this Charter shall be in full force and effect from and after its adoption by a vote of the Electors of the City of Kings Mountain in accordance to a Special Act of the 1947 Legislature.

**Charter B
THE CHARTER
OF THE CITY OF KINGS
MOUNTAIN, NORTH
CAROLINA**

- ARTICLE 1
- SECTION 1: See Section 1 of Charter A.
 - SECTION 2: The municipal government provided by this Charter shall be known as the "Council-Mayor-Government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, under and by the advice of the Mayor, who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, the Constitution and general laws of the State.
 - SECTION 3: See-Section 3 Charter A.
 - SECTION 3-A: See Section 3-A Charter A.
 - SECTION 3-B: See Section 3-B Charter A.
- ARTICLE 2
- SECTION 4: See Section 4 Charter A.
 - SECTION 5: See Section 5 Charter A.
 - SECTION 6: See Section 6 Charter A.
 - SECTION 7: See Section 7 Charter A.
 - SECTION 8: See Section 8 Charter A, except (1).
 - SECTION 9: The Council shall invest the Mayor of the City by an ordinance duly adopted as provided in this Charter, with the powers to perform the duties in this Charter provided.
 - SECTION 10: See Section 11 Charter A, substitute Mayor for City Manager.
 - SECTION 11: See Section 12 Charter A.
 - SECTION 12: See Section 13 Charter A.
 - SECTION 13: See Section 14 Charter A.
 - SECTION 14: See Section 15 Charter A.
 - SECTION 15: See Section 16 Charter A.
 - SECTION 16: See Section 17 Charter A.
 - SECTION 17: See Section 18 Charter A.
 - SECTION 18: See Section 19 Charter A.
 - SECTION 19: See Section 20 Charter A.
 - SECTION 20: See Section 21 Charter A.
 - SECTION 21: See Section 22 Charter A, substitute Mayor for City Manager.
- ARTICLE 3
- SECTION 22: See Section 24 Charter A, substitute Mayor for City Manager.
 - SECTION 23: See Section 25 Charter A, substitute Mayor for City Manager.
 - SECTION 24: See Section 26 Charter A, substitute Mayor for City Manager.
 - SECTION 25: See Section 27 Charter A, substitute Mayor for City Manager.
 - SECTION 26: See Section 28 Charter A, substitute Mayor of City Manager.
- ARTICLE 4
- SECTION 27: See Section 29 Charter A.
 - SECTION 28: See Section 30 Charter A, substitute Mayor for City Manager.
 - SECTION 29: See Section 31, Charter A, substitute Mayor for City Manager.
 - SECTION 30: See Section 32 Charter A.
 - SECTION 31: See Section 33 Charter A.
 - SECTION 32: See Section 34 Charter A.
 - SECTION 33: See Section 35 Charter A.
 - SECTION 34: See Section 36 Charter A.
 - SECTION 35: See Section 37 Charter A.