

## MEMORANDUM

**TO:** Mayor & Council  
**FROM:** Ash Smith, City Attorney  
**RE:** Revision of the City Charter  
**DATE:** January 7, 2016

This past legislative session, the North Carolina General Assembly made a revision to the motor vehicle tag fee under General Statute § 20-97 which in effect rendered § 9.5 of the Gastonia City Charter obsolete. A review of that issue by staff brought into focus that there were several other references in the Charter that have also been rendered moot by legislative changes or simply changing times.

The attached proposal shows various sections of the City Charter that either need to be revised as obsolete (*e.g.*, protest petitions, extra-territorial jurisdiction) as well as sections that Council may wish to revise (*e.g.*, execution of contracts). With each proposed revision staff has tried to include a note in the right-hand margin to explain the rationale for the proposed change.

Although there are certain revisions to the City Charter that a City Council can make on its own initiative (*e.g.*, length of terms, staggered terms, etc.), a wholesale revision of this magnitude and with regard to these topics must be done by the North Carolina General Assembly. If Council wishes to pursue what is in effect a “housekeeping” clean-up of the Charter, it would need to pass a Resolution asking our local legislative delegation to introduce a bill next session making the requested changes. The General Assembly has a staff called the Legislative Drafting Office which will assist with this matter, and they may well make recommendations as to other needed changes. Gastonia’s Charter has not been updated since 1991, and the local legislative delegation normally is very receptive to assisting municipalities with updates of this nature.

Staff does recommend that the Council ask the local delegation to sponsor a bill making these changes. If you have any further questions in regard to this matter, please do not hesitate to contact me.