

Legislation Details (With Text)

File #:	15-10281	Version:	1	Name:	
Type:	Policy Item	Status:		Denied	
File created:	2/6/2019	In control:		City Council Business Meeting	
On agenda:	2/11/2019	Final action:		2/11/2019	
Title:	Resolution of Intent to Consider an Ordinance Amending the City Charter to Increase the Terms of Office of the Mayor and Members of City Council and Setting of Public Hearing on Notice of Intent				
Attachments:	1. Draft Resolution of Intent of the Charlotte City Council to Consider Amending the Mayor and Council Terms of Office				

Date	Ver.	Action By	Action	Result
2/11/2019	1	City Council Business Meeting	Approve	Fail

Resolution of Intent to Consider an Ordinance Amending the City Charter to Increase the Terms of Office of the Mayor and Members of City Council and Setting of Public Hearing on Notice of Intent

Action:

- A. Approve an increase to the terms of office of Mayor and members of City Council from two years to four years,
- B. Approve staggering the terms of office,
- C. Determine the method of staggering terms of office, including groups of officials and the dates for transitioning to four-year terms,
- D. Approve that the increase in terms of office be submitted to a vote of the people via referendum,
- E. Adopt a resolution of intent to consider an ordinance amending the City Charter to increase the terms of office served by the Mayor and members of City Council, and
- F. Set the date for a public hearing on a resolution of intent to consider an ordinance amending the City Charter to increase the terms of office of the Mayor and members of City Council.

Committee Chair:

Greg Phipps, Budget and Effectiveness

Staff Resource(s):

Hope Root, City Attorney's Office
Phil Reiger, Strategy and Budget

Explanation

- North Carolina General Statute 160A-101 allows the City Council to change the terms of office of the Mayor and/or members of City Council.
- North Carolina General Statute 160A-102 outlines the procedures for amending the charter by ordinance to change the terms of office of the Mayor and/or members of City Council.
- To change the terms of office, City Council must adopt a resolution of intent to consider an

ordinance amending the City Charter to increase the terms of office and hold a public hearing on the Resolution of Intent.

- State law requires that the Resolution of Intent describe the proposed Charter amendments completely and with reference to the pertinent statutory provisions allowing the amendments.
- Upon adoption of the Resolution of Intent, the City must publish notice of the public hearing containing a summary of the proposed amendments.
- The public hearing must be held at least 10 days after the published notice and within 45 days of adoption of the Resolution of Intent.
- Following the public hearing, Council may adopt an ordinance amending the Charter to implement the amendments proposed in the Resolution of Intent.
- Adoption of the ordinance must be made within 60 days of the public hearing, but no sooner than the next regular meeting of City Council.
- City Council may, but is not required to, make the ordinance effective only if approved by a vote of the people.
- If the ordinance is not submitted to the vote of the people by Council, state law requires the ordinance to be submitted to a vote if a referendum petition is submitted bearing the signatures of 5,000 registered voters.
- If a vote of the people is required, whether by Council referral or referendum petition, the vote will take place during the general election on November 5, 2019.
- The statutory items to be included in the Resolution of Intent require Council to decide on the following:
 - Term of office of the Mayor; at least two years, but no more than four years.
 - Term of office of members of Council; two or four years.
 - Whether district and at-large members hold same term of office.
 - Whether terms are staggered or run concurrently.
 - If staggered, which offices (i.e., Mayor, at-large, districts, and particular districts).
 - If staggered, time frame for staggering.

Committee Discussion

- On November 13, 2018 the City Attorney reviewed informational materials along with options and processes regarding the adjusting Mayor and Council term limits in accordance with North Carolina State law.
- The Budget and Effectiveness committee voted unanimously to bring forward to full Council for consideration on increasing Council terms to four-year staggered terms. Committee also voted to recommend for Council to initiate a referendum. (approved - 4:1, Mayfield opposed)

Strategy Session Discussion

- At the February 4, 2019 City Council Strategy Session, Council received an overview of the Budget and Effectiveness Committee's recommendations, and the process and timelines for changing to four-year staggered terms.
- A motion was made, and seconded to place a Resolution of Intent for City Council Four-Year terms on the February 11, 2019 agenda. The motion was carried by the following vote: Council members Eiselt, Ajmera, Egleston, Harlow, Mitchell, Newton, Phipps, and Winston, voted yes. Council members Bokhari, Driggs, and Mayfield voted no.

Attachment(s)

Council Budget and Effectiveness Committee Update December 2018

Draft Resolution of Intent of the Charlotte City Council to Consider Amending the Mayor and Council Terms of Office as Set Forth in the Charlotte City Charter and Setting a Public Hearing on the Proposed Amendments