

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 97

Short Title: Rowland Charter Amend/Vacancies. (Local)

Sponsors: Representative B. Jones.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Local Government, if favorable, Rules, Calendar, and Operations of the House

February 19, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF ROWLAND TO MAKE  
3 TECHNICAL CORRECTIONS AND TO ALLOW BOARD MEMBERS TO FILL  
4 VACANCIES ON THE TOWN BOARD OF COMMISSIONERS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Section 3.4 of the Charter of the Town of Rowland, being S.L.  
7 1998-105, as amended by S.L. 2000-45, reads as rewritten:

8 "Section 3.4. ~~Special Elections to Fill Vacancies.~~ If there is a vacancy in the office of  
9 Mayor or Commissioner after qualification or because of a refusal to qualify, ~~a special election~~  
10 ~~shall be called by the Town Board and shall be held to fill the vacancy. However, if the vacancy~~  
11 ~~occurs after the opening date for filing of candidacy under the General Statutes in the year in~~  
12 ~~which the term is to expire, no special election shall be held. In such case, the Board shall appoint~~  
13 ~~a person to fill the vacancy pursuant to the provisions of G.S. 160A-63 shall control. Candidates~~  
14 ~~in any special election may file their notices of candidacy no earlier than noon on the tenth Friday~~  
15 ~~preceding the special election and no later than noon on the seventh Friday preceding the special~~  
16 ~~election. G.S. 160A-63."~~

17 **SECTION 1.(b)** Section 3.5 of the Charter of the Town of Rowland, being S.L.  
18 1998-105, as amended by S.L. 2000-45, reads as rewritten:

19 "Section 3.5. ~~Other Special Elections and Referenda.~~ ~~Except as specified above, special~~  
20 ~~elections and referenda~~ Referenda may be held only as provided by general law or applicable  
21 local acts of the General Assembly."

22 **SECTION 2.(a)** Section 2.2 of the Charter of the Town of Rowland, being S.L.  
23 1998-105, as amended by S.L. 2000-45, reads as rewritten:

24 "Section 2.2. **Composition; Terms of Office.** The ~~Town~~ Board shall be composed of four  
25 Commissioners to be elected by all the qualified voters of the Town voting at large for terms of  
26 four years, or until their successors are elected and qualified, and the Mayor."

27 **SECTION 2.(b)** Section 2.4 of the Charter of the Town of Rowland, being S.L.  
28 1998-105, as amended by S.L. 2000-45, reads as rewritten:

29 "Section 2.4. **Qualifications for Office; Compensation; Vacancies.** The qualifications and  
30 compensation of the Mayor and Commissioners shall be in accordance with general law. In  
31 addition, no Mayor or Commissioner shall be qualified to hold office if that person: (i) is more  
32 than 30 days delinquent in the payment of any sum of money owed by that person to the Town  
33 of Rowland, (ii) has been convicted of any felony by any court of competent jurisdiction, (iii)  
34 has failed to attend more than three meetings of the ~~Town~~ Board of which that person has had  
35 proper notice. If the ~~Town~~ Board determines that one of the above-listed qualifications has been



1 violated by a Commissioner or the Mayor and that such violation was within the control of the  
2 violator or that the violation can reasonably be expected to continue for an additional three  
3 months, the Board shall declare the position of the violator vacant and shall proceed to fill the  
4 vacancy. Vacancies shall be filled as provided below."

5 **SECTION 2.(c)** Section 4.2 of the Charter of the Town of Rowland, being S.L.  
6 1998-105, as amended by S.L. 2000-45, reads as rewritten:

7 "Section 4.2. **Town Clerk.** The Board shall appoint a Town Clerk to keep a journal of the  
8 proceedings of the Board, to maintain official records and documents, to give notice of meetings,  
9 and to perform such other duties as may be prescribed by law or assigned by the ~~Town~~-Board."

10 **SECTION 2.(d)** Section 4.3 of the Charter of the Town of Rowland, being S.L.  
11 1998-105, as amended by S.L. 2000-45, reads as rewritten:

12 "Section 4.3. **Finance Officer.** The ~~Town~~-Board shall appoint a Finance Officer to perform  
13 the duties designated in G.S. 159-25 and such other duties as may be prescribed by law or  
14 assigned by the ~~Town~~-Board, subject to general law."

15 **SECTION 2.(e)** Section 4.4 of the Charter of the Town of Rowland, being S.L.  
16 1998-105, as amended by S.L. 2000-45, reads as rewritten:

17 "Section 4.4. **Tax Collector.** The Board shall appoint a Tax Collector pursuant to  
18 G.S. 105-349 to collect all taxes owed to the Town and to perform such other duties as may be  
19 prescribed by law or assigned by the ~~Town~~-Board, subject to general law."

20 **SECTION 2.(f)** Section 4.8 of the Charter of the Town of Rowland, being S.L.  
21 1998-105, as amended by S.L. 2000-45, reads as rewritten:

22 "Section 4.8. **Bond of Officers.** The Finance Officer, Tax Collector, and all other employees  
23 of the Town whose duties require them to handle any funds of the Town, and such other officers  
24 and employees of the Town as the Board may by resolution determine, shall give bonds for the  
25 faithful performance of their duties. The ~~Town~~-Board shall require by resolution the giving and  
26 maintenance of all such bonds in amounts adequate to protect the Town from loss. The premiums  
27 on such bonds shall be paid by the Town."

28 **SECTION 2.(g)** Section 5.2 of the Charter of the Town of Rowland, being S.L.  
29 1998-105, as amended by S.L. 2000-45, reads as rewritten:

30 "Section 5.2. **Conflicts of Interest.** Any officer, employee, Commissioner or Mayor who  
31 has a financial interest, direct or indirect, in any proposed contract with the Town or in a proposed  
32 sale of any land, material, supplies, or services to the Town or to a contractor supplying the Town,  
33 shall make known that interest and shall refrain from voting upon or otherwise participating in  
34 the making of such a contract or sale. If the ~~Town~~-Board determines that any officer, employee,  
35 Commissioner, or Mayor has willfully violated the requirements of this section, that person shall  
36 be removed by the ~~Town~~-Board from his office or position. Violation of this section with  
37 knowledge, expressed or implied, by the person or corporation contracting with or making a sale  
38 to the Town shall render the contract void."

39 **SECTION 3.** Section 1 of this act is effective when it becomes law and applies to  
40 vacancies existing on or after that date. The remainder of this act is effective when it becomes  
41 law.