

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 60

Short Title: White Lake Charter Consolidation. (Local)

Sponsors: Senator Rand.

Referred to: Finance.

February 5, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF WHITE
3 LAKE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Charter of the Town of White Lake is revised and consolidated
6 to read as follows:

7 "THE CHARTER OF THE TOWN OF WHITE LAKE.

8 "ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

9 "Section 1.1. **Incorporation.** The Town of White Lake, North Carolina, in Bladen County
10 and the inhabitants thereof shall continue to be a municipal body politic and corporate, under
11 the name of the 'Town of White Lake,' hereinafter at times referred to as the 'Town.'

12 "Section 1.2. **Powers.** The Town shall have and may exercise all of the powers, duties,
13 rights, privileges, and immunities conferred upon the Town of White Lake specifically by this
14 Charter or upon municipal corporations by general law. The term 'general law' is employed
15 herein as defined in G.S. 160A-1.

16 "Section 1.3. **Corporate Limits.** The corporate limits shall be those existing at the time of
17 ratification of this Charter, as set forth on the official map of the Town and as they may be
18 altered from time to time in accordance with law. An official map of the Town, showing the
19 current municipal boundaries, shall be maintained permanently in the office of the Town Clerk
20 and shall be available for public inspection. Upon alteration of the corporate limits pursuant to
21 law, the appropriate changes to the official map shall be made, and copies shall be filed in the
22 office of the Secretary of State, the Bladen County Register of Deeds, and the appropriate
23 board of elections.

24 "ARTICLE II. GOVERNING BODY.

25 "Section 2.1. **Town Governing Body; Composition.** The Board of Commissioners,
26 hereinafter referred to as the 'Board,' and the Mayor shall be the governing body of the Town.

27 "Section 2.2. **Town Board of Commissioners; Composition; Terms of Office.** The
28 Board shall be composed of six members, to be elected by all the qualified voters of the Town,
29 for staggered terms of four years or until their successors are elected and qualified.

30 "Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the
31 qualified voters of the Town for a term of four years or until his or her successor is elected and
32 qualified. The Mayor shall be the official head of the Town government and preside at
33 meetings of the Board, shall have the right to vote only when there is an equal division on any
34 question or matter before the Board, and shall exercise the powers and duties conferred by law
35 or as directed by the Board.

36 "Section 2.4. **Mayor Pro Tempore.** The Board shall elect one of its members as Mayor
37 Pro Tempore to perform the duties of the Mayor during his or her absence or disability, in



1 accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the
2 pleasure of the Board.

3 "Section 2.5. **Meetings.** In accordance with general law, the Board shall establish a suitable
4 time and place for its regular meetings. Special and emergency meetings may be held as
5 provided by general law.

6 "Section 2.6. **Quorum; Voting.** Official actions of the Board and all votes shall be taken in
7 accordance with the applicable provisions of general law, particularly G.S. 160A-75. The
8 quorum provisions of G.S. 160A-74 shall apply.

9 "Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation
10 and qualifications of the Mayor and Commissioners shall be in accordance with general law.
11 Vacancies that occur in any elective office of the Town shall be filled by majority vote of the
12 remaining members of the Board and shall be filled for the remainder of the unexpired term,
13 despite the contrary provisions of G.S. 160A-63.

14 "ARTICLE III. ELECTIONS.

15 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held in
16 each odd-numbered year in accordance with the uniform municipal election laws of North
17 Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using
18 the nonpartisan plurality method as provided in G.S. 163-292.

19 "Section 3.2. **Election of Mayor.** A Mayor shall be elected in the regular municipal
20 election in 2011 and each four years thereafter.

21 "Section 3.3. **Election of Commissioners.** In the regular municipal election in 2009 and
22 quadrennially thereafter, three Commissioners shall be elected for four-year terms in those
23 positions whose terms are then expiring. In the regular municipal election in 2011 and
24 quadrennially thereafter, three Commissioners shall be elected for four-year terms in those
25 positions whose terms are then expiring.

26 "Section 3.4. **Special Elections and Referenda.** Special elections and referenda may be
27 held only as provided by general law or applicable local acts of the General Assembly.

28 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

29 "Section 4.1. **Form of Government.** The Town shall operate under the mayor-council
30 form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the General
31 Statutes.

32 "Section 4.2. **Town Attorney.** The Board shall appoint a Town Attorney licensed to
33 practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town,
34 advise Town officials, and perform other duties required by law or as the Board may direct.

35 "Section 4.3. **Town Clerk.** The Board shall appoint a Town Clerk to keep a journal of the
36 proceedings of the Board, to maintain official records and documents, to give notice of
37 meetings, and to perform such other duties required by law or as the Board may direct.

38 "Section 4.4. **Tax Collector.** The Town shall have a Tax Collector to collect all taxes owed
39 to the Town and perform those duties specified in G.S. 105-350 and such other duties as
40 prescribed by law or assigned by the Board.

41 "Section 4.5. **Other Administrative Officers and Employees.** The Board may authorize
42 other positions to be filled by appointment and may organize the Town government as deemed
43 appropriate, subject to the requirements of general law.

44 "ARTICLE V. MISCELLANEOUS.

45 "Section 5.1. **White Lake.** The Town may adopt ordinances with respect to the body of
46 water in Bladen County known as White Lake, which ordinances shall have the same force and
47 effect as if the lake were within the corporate limits of the Town, and Town Police shall have
48 the same powers as peace officers on the lake as within the corporate limits of the Town."

49 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of White
50 Lake and to consolidate certain acts concerning the property, affairs, and government of the
51 Town. It is intended to continue without interruption those provisions of prior acts that are

1 expressly consolidated into this act, so that all rights and liabilities which have accrued are
2 preserved and may be enforced.

3 **SECTION 3.** This act does not repeal or affect any acts concerning the property,
4 affairs, or government of public schools, or any acts validating official actions, proceedings,
5 contracts, or obligations of any kind.

6 **SECTION 4.** The following acts, having served the purposes for which they were
7 enacted or having been consolidated into this act, are expressly repealed:

8 Chapter 511, Session Laws of 1951, except Sections 8 and 9 which were already
9 repealed.

10 Chapter 1177, Session Laws of 1953

11 Chapter 424, Session Laws of 1961

12 Chapter 339, Session Laws of 1963

13 Chapter 200, Session Laws of 1967, except Section 5

14 Chapter 602, Session Laws of 1971

15 Chapter 1160, Session Laws of 1981, except Section 4.1.

16 **SECTION 5.** The Mayor and Commissioners serving on the date of ratification of
17 this act shall serve until the expiration of their terms or until their successors are elected and
18 qualified. Thereafter those offices shall be filled as provided in Articles II and III of the Charter
19 contained in Section 1 of this act.

20 **SECTION 6.** This act does not affect any rights or interests that arose under any
21 provisions repealed by this act.

22 **SECTION 7.** All existing ordinances, resolutions, and other provisions of the
23 Town of White Lake not inconsistent with the provisions of this act shall continue in effect
24 until repealed or amended.

25 **SECTION 8.** No action or proceeding pending on the effective date of this act by
26 or against the Town or any of its departments or agencies shall be abated or otherwise affected
27 by this act.

28 **SECTION 9.** If any provision of this act or application thereof is held invalid, such
29 invalidity shall not affect other provisions or applications of this act that can be given effect
30 without the invalid provision or application, and to this end the provisions of this act are
31 declared to be severable.

32 **SECTION 10.** Whenever a reference is made in this act to a particular provision of
33 the General Statutes, and such provision is later amended, superseded, or recodified, the
34 reference shall be deemed amended to refer to the amended General Statute, or to the General
35 Statute that most clearly corresponds to the statutory provision which is superseded or
36 recodified.

37 **SECTION 11.** This act is effective when it becomes law.