

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 150
House Committee Substitute Favorable 6/29/21
House Committee Substitute #2 Favorable 6/30/21
House Committee Substitute #3 Favorable 7/13/21
Fifth Edition Engrossed 7/13/21

Short Title: Various Local Act Changes.

(Local)

Sponsors:

Referred to:

February 25, 2021

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF MORGANTON TO CLARIFY THE TIME PERIOD FOR FILLING VACANCIES IN THE OFFICE OF MAYOR AND TO PROVIDE THAT THE CITY MANAGER SHALL APPOINT THE CITY CLERK; TO UPDATE FINES FOR CERTAIN BOATING VIOLATIONS ON LAKE JAMES; TO PROVIDE THAT ELECTIONS FOR THE TOWN OF HILDEBRAN SHALL BE HELD IN EVEN-NUMBERED YEARS; TO ESTABLISH OFFICE HOURS FOR THE REGISTERS OF DEEDS IN CLEVELAND COUNTY; TO AUTHORIZE THE TOWN OF WELDON TO DISPOSE OF CERTAIN PROPERTY BY PRIVATE NEGOTIATION AND SALE; TO MAKE A TECHNICAL CORRECTION IN THE TERMS OF OFFICE FOR THE BOARD OF TRUSTEES OF CLEVELAND COMMUNITY COLLEGE; AND TO MAKE TECHNICAL CORRECTIONS TO THE AUTHORIZATION FOR THE DELAY OF THE LEXINGTON CITY BOARD OF EDUCATION ELECTIONS IN 2021.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 2.14 of the Charter of the City of Morganton, being Chapter 180 of the Session Laws of 1975, as amended by S.L. 1998-81, reads as rewritten:

"Sec. 2.14. Vacancy; absence or disability. – (a) A vacancy in the office of Mayor shall exist when a duly elected person fails to qualify or when a person who has been elected and has qualified dies, resigns, or no longer meets the requirements of Section 2.11 of this Charter, or is recalled. If a vacancy occurs in the office of Mayor, the Council ~~shall~~ shall, by majority ~~vote~~ vote, within 90 days following the date the vacancy occurs, appoint some qualified person to fill the office for the remainder of the unexpired term. The Mayor Pro Tempore shall discharge the powers and duties of the office of Mayor until the office is filled, ~~and he and~~, during such period of service, shall receive the same compensation as received by the office of ~~Mayor during such period of service.~~ Mayor. The council seat of Mayor Pro Tempore is not vacant during any period in which the Mayor Pro Tempore discharges powers and duties of the office of Mayor.

(b) During the period of absence or disability of the Mayor, the Mayor Pro Tempore shall perform the powers and duties of the ~~Mayor during the period that such absence or disability exists.~~ Mayor. The inability of the Mayor to perform the duties of ~~his~~ the office shall be determined by the Council in accordance with the provisions of ~~G.S. 160A-70, except that the vote of the Mayor is not required in any such determination.~~ G.S. 160A-70."



1 **SECTION 1.(b)** Section 2.15 of the Charter of the City of Morganton, being Chapter
2 180 of the Session Laws of 1975, as amended by Chapter 202 of the Session Laws of 1983, reads
3 as rewritten:

4 "Sec. 2.15. Powers and duties. – (a) The Mayor shall be the official head of the City
5 government. Consistent with the provisions of this Charter, ~~he~~the Mayor shall be vested with all
6 of the powers, duties, rights, privileges and immunities granted to and conferred on Mayors of
7 Cities by the General Laws of North Carolina.

8 ...

9 (d) The Mayor shall be authorized to appoint ~~for his information and assistance,~~
10 individuals to serve on advisory boards, commissions, and committees, which shall be
11 answerable to ~~him,~~the Mayor, but whose actions shall be advisory in nature.

12 (e) The Mayor shall perform such other duties consistent with this Charter as may be
13 conferred upon ~~him~~the Mayor by ordinance of the Council."

14 **SECTION 1.(c)** Section 3.12 of the Charter of the City of Morganton, being Chapter
15 180 of the Session Laws of 1975, as amended, is repealed.

16 **SECTION 1.(d)** Chapter 2 of Article IV of the Charter of the City of Morganton,
17 being Chapter 180 of the Session Laws of 1975, as amended, reads as rewritten:

18 "Chapter 2. City Manager.

19 "Sec. 4.11. Appointment, qualifications, term. – The Council shall appoint a City Manager
20 to serve at its pleasure. The City Manager shall be appointed solely on the basis of his or her
21 executive and administrative qualifications, and ~~he~~ need not be a resident of the City or State
22 when appointed.

23 "Sec. 4.12. Chief executive officer. – The City Manager shall be the chief executive officer
24 of the City government. He or she shall be responsible to the Council for the proper and efficient
25 administration of the City government.

26 "

27 **SECTION 1.(e)** Section 4.21 of the Charter of the City of Morganton, being Chapter
28 180 of the Session Laws of 1975, as amended, reads as rewritten:

29 "Sec. 4.21. City Clerk. – ~~The Council shall designate the City Manager as City Clerk. He~~
30 ~~shall be responsible for keeping a journal of the proceedings of the Mayor and Council and~~
31 ~~maintaining, in a safe place, all records and documents pertaining to the affairs of the City. The~~
32 ~~manager shall be authorized to delegate his responsibilities as City Clerk.~~The City Manager shall
33 appoint a City Clerk to serve at the City Manager's pleasure. The City Clerk shall act as secretary
34 to the City Council, keep the originals of all ordinances in a book especially provided for that
35 purpose, be responsible for giving notice of all meetings of the Council, keep a journal of the
36 proceedings of the Mayor and Council, maintain in a safe place all records and documents
37 pertaining to the affairs of the City, and perform any other duties that may be required by law,
38 by the Council, or by the City Manager. The City Manager may appoint or provide for one or
39 more deputy City Clerks who shall have full authority to exercise and perform any of the powers
40 and duties of the City Clerk that the City Manager may specify."

41 **SECTION 1.(f)** Chapter 5 of Article IV of the Charter of the City of Morganton,
42 being Chapter 180 of the Session Laws of 1975, as amended, reads as rewritten:

43 "Chapter 5. Boards and Commissions.

44 "Sec. 4.41. General provisions. – ~~(a)~~ Except as prescribed by General Law or special act of
45 the General Assembly, the voting members of the Council ~~(not including the Mayor, except in~~
46 ~~ease of equal division)~~ shall have the authority to create commissions, councils or boards which
47 shall perform duties prescribed by the Council, including, but not limited to, making studies,
48 conducting research and investigations, holding hearings, and preparing recommendations as to
49 needed ordinances and resolutions; provided, the voting members of the Council shall be
50 authorized to designate and name certain boards, commissions and committees to be appointed
51 solely by the Mayor.

1 "Sec. 4.42. Composition; appointment; bylaws. – (a) Except as otherwise provide by law,
2 the voting members of the Council (~~not including the Mayor, except in case of equal division~~)
3 shall have the authority to provide for the manner of appointment, makeup and composition of
4 such commissions, councils or boards, the periods of existence of same, and for the compensation
5 of such members and employees of same, in whole or in part. The Council may provide by
6 ordinance for reimbursement of the actual and necessary expenses incurred by the members
7 thereof in the performance of their official duties. The Council shall have the authority to
8 annually appropriate and donate money derived from contributions and other nontax revenues
9 for and to such commissions, councils and boards to provide for their operation, either in whole
10 or in part.

11 ...

12 (c) Any member of a board or commission may be removed from office for cause by a
13 majority vote of ~~all of the voting council members.~~Council.

14"

15 **SECTION 2.(a)** Section 5 of Chapter 502 of the Session Laws of 1963 reads as
16 rewritten:

17 "Sec. 5. Any person who may be in actual physical control of the motor boat, or other water
18 craft, in which any violation of the above provisions shall be committed, shall be considered to
19 have been in control of the conduct of persons in such boat, and responsible for violations of this
20 Act committed by such persons. Unless it be otherwise shown, the registered owner of any boat
21 operated in violation of the provisions of this Article, shall be presumed to be the operator of the
22 same at the time of such violation or violations. ~~Any Notwithstanding G.S. 15A-1340.23, any~~
23 ~~person who is convicted of a violation of any of the provisions of this Act shall be guilty of a~~
24 ~~Class 3 misdemeanor and shall be but only punished by a fine of not more than fifty dollars~~
25 ~~(\$50.00), or be imprisoned for not more than thirty (30) days.~~two hundred fifty dollars
26 (\$250.00)."

27 **SECTION 2.(b)** This section becomes effective December 1, 2021, and applies to
28 offenses committed on or after that date.

29 **SECTION 3.(a)** Section 3 of the Charter of the Town of Hildebran, being Chapter
30 212 of the Private Laws of 1899, as amended by Chapter 433 of the Session Laws of 1973 and
31 Chapter 238 of the Session Laws of 1993, reads as rewritten:

32 "Sec. 3. In 2024, and biennially thereafter, regular municipal elections shall be held in the
33 Town on the Tuesday after the first Monday in November of even-numbered years in accordance
34 with the uniform municipal election laws of North Carolina. The election shall be nonpartisan
35 and decided by simple plurality pursuant to G.S. 163-292. The elective officers of the town shall
36 be a mayor who shall be elected by the qualified voters of the town for a term of four years, and
37 five commissioners, who shall be elected by the qualified voters of the town for staggered terms
38 of four years, except that in 1993, the three persons receiving the highest numbers of votes are
39 elected for four-year terms, and the two persons receiving the next highest numbers of votes are
40 elected for two-year terms. In 1995 and quadrennially thereafter, two persons are elected. In 1997
41 and quadrennially thereafter, three persons are elected. The expansion of the board of
42 commissioners from three to five members is effective at the organizational meeting following
43 the 1993 municipal election. Beginning with the regular municipal election to be held in
44 November 1973, the election shall be nonpartisan and decided by simple plurality. No primary
45 election shall be held. The municipal elections shall be held and conducted by the County Board
46 of Elections in accordance with Articles 23 and 24 of Chapter 163 of the General Statutes. years."

47 **SECTION 3.(b)** Regular municipal elections shall be conducted in the Town of
48 Hildebran in 2021. The Mayor and three commissioners elected in 2021 shall serve five-year
49 terms. The two commissioners elected in 2019 whose terms expire in 2023 are extended until
50 2024. The next regular municipal election shall be conducted in the Town of Hildebran in 2024.

51 **SECTION 4.(a)** G.S. 161-8 reads as rewritten:

1 **"§ 161-8. Attendance at office.**

2 ~~The board of county commissioners may fix by order, to be entered on their records, what~~
3 ~~days of each week, and at what hours of each day, the register of deeds shall attend at his office~~
4 ~~in person or by deputy, and he shall give his attendance accordingly.~~The register of deeds shall
5 be present in the office on a full-time schedule. Except for official State holidays, the office of
6 the register of deeds shall be open for business Monday through Friday, at least 40 hours per
7 week. The office shall not close before 5:00 P.M. and shall accept instruments and documents
8 for filing until that time."

9 **SECTION 4.(b)** This section applies only in Cleveland County.

10 **SECTION 4.(c)** This section becomes effective October 1, 2021.

11 **SECTION 5.(a)** Notwithstanding Article 12 of Chapter 160A of the General
12 Statutes, the Town of Weldon may convey by private negotiation and sale, with or without
13 monetary consideration, and upon such terms as the Town deems appropriate, any or all of its
14 right, title, and interest in some or all of the following described property: All that certain tract
15 or parcel of land lying and being situate on the Eastern side of US Highway 301 and the Southern
16 Side of NC SR No. 1150 (River Road) in Weldon Township, Halifax County, North Carolina,
17 and being more particularly described as that 6.21 acres tract shown and delineated on the plat
18 entitled "PLAT SHOWING PROPERTY STANDING IN THE NAME OF MARY JANE
19 ARNOLD CREW" prepared by Burr & Associates, P.A. dated May 4, 1994, and recorded in Plat
20 Cabinet 5, Slide 121 in the office of the Register of Deeds of Halifax County, North Carolina,
21 the same being incorporated herein by reference for more complete and accurate description.
22 This property was conveyed to Michael H. Basnight by deed dated January 16, 1997, from B. B.
23 Pierce Trucking, Inc., and recorded in Book 697, Page 64 in the office of the Register of Deeds.

24 **SECTION 5.(b)** This section applies to the Town of Weldon only.

25 **SECTION 6.** Section 2(a) of S.L. 2018-15 reads as rewritten:

26 **"SECTION 2.(a)** G.S. 115D-12 reads as rewritten:

27 **"§ 115D-12. Each institution to have board of trustees; selection of trustees.**

28 (a) Each community college established or operated pursuant to this Chapter shall be
29 governed by a board of trustees consisting of 13 members, or of additional members if selected
30 according to the special procedure prescribed by the second paragraph of this subsection, who
31 shall be selected by the following agencies. No member of the General Assembly may be
32 appointed to a local board of trustees for a community college.

33 Group One – eight trustees, elected by the board of commissioners of the county in which the
34 institution is located. Provided, however, if the administrative area of the institution is composed
35 of two or more counties, the trustees shall be elected jointly by the boards of commissioners of
36 all those counties, each board having one vote in the election of each trustee. Provided, also, the
37 county commissioners of the county in which the community college has established a satellite
38 campus may elect an additional two members if the board of trustees of the community college
39 agrees. No more than one trustee from Group One may be a member of a board of county
40 commissioners. Should the boards of commissioners involved be unable to agree on one or more
41 trustees the senior resident superior court judge in the superior court district or set of districts as
42 defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by
43 appointment.

44 Group Two – four trustees, appointed by the General Assembly under G.S. 120-121, two of
45 whom shall be appointed upon recommendation of the Speaker of the House of Representatives
46 and two of whom shall be appointed upon recommendation of the President Pro Tempore of the
47 Senate. Following consultation with members of the House of Representatives whose districts
48 include counties within the administrative area of the community college, the Speaker of the
49 House of Representatives shall make recommendations to the General Assembly for
50 appointments to terms expiring in 2019 and ~~2021, 2020~~, and every four years thereafter.
51 Following consultation with members of the Senate whose districts include counties within the

1 administrative area of the community college, the President Pro Tempore of the Senate shall
2 make recommendations to the General Assembly for appointments to terms expiring in 2018 and
3 ~~2020, 2021~~, and every four years thereafter.

4 Group Three – the president of the student government or the chairman of the executive board
5 of the student body of each community college established pursuant to this Chapter shall be an
6 ex officio nonvoting member of the board of trustees of each said institution.

7 (b) All trustees shall be residents of the administrative area of the institution for which
8 they are selected or of counties contiguous thereto with the exception of members provided for
9 in subsection (a) of this section, Group Three.

10 (b1) No person who has been employed full time by the community college within the
11 prior 5 years and no spouse or child of a person currently employed full time by the community
12 college shall serve on the board of trustees of that college.

13 (c) Vacancies occurring in Group Two shall be filled as provided in G.S. 120-122.
14 Vacancies occurring in any other group for whatever reason shall be filled for the remainder of
15 the unexpired term by the agency or agencies authorized to select trustees of that group and in
16 the manner in which regular selections are made. Should the selection of a trustee not be made
17 by the agency or agencies having the authority to do so within 60 days after the date on which a
18 vacancy occurs, whether by creation or expiration of a term or for any other reason, the Governor
19 shall fill the vacancy by appointment for the remainder of the unexpired term."''

20 **SECTION 7.** Section 1.7(b) of S.L. 2021-56 reads as rewritten:

21 "**SECTION 1.7.(b)** ~~Section 1.6(a)~~ Section 1.7(a) of this act shall become effective only if
22 the federal decennial census information for the 2020 census has not been received by the
23 Lexington City Board of Education by July 19, 2021. If the Lexington City Board of Education
24 has not received notice of the federal decennial census information by July 19, 2021, the Board
25 shall adopt a resolution to that effect which states that census information was not received and
26 that, pursuant to this act, the next election for the Lexington City Board of Education will occur
27 at the time of the 2022 general election. The Lexington City Board of Education shall adopt the
28 resolution prior to July 26, 2021, and shall publish notice of the delay in the election both on the
29 website of the Lexington City Board of Education and at least once in a newspaper of general
30 circulation within seven days of adoption of that resolution. The resolution shall also be
31 submitted to the Davidson County Board of Elections and to the State Board of Elections prior
32 to July 26, 2021."

33 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes
34 law.