

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

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 AND WAYNE COUNTIES; 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,~~ 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."

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



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

5 ...

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

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

11 **SECTION 1.(c)** Section 3.12 of the Charter of the City of Morganton, being Chapter  
12 180 of the Session Laws of 1975, as amended, is repealed.

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

15 "Chapter 2. City Manager.

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

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

23 ...."

24 **SECTION 1.(e)** Section 4.21 of the Charter of the City of Morganton, being Chapter  
25 180 of the Session Laws of 1975, as amended, reads as rewritten:

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

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

40 "Chapter 5. Boards and Commissions.

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

49 "Sec. 4.42. Composition; appointment; bylaws. – (a) Except as otherwise provide by law,  
50 the voting members of the Council ~~(not including the Mayor, except in case of equal division)~~  
51 shall have the authority to provide for the manner of appointment, makeup and composition of

1 such commissions, councils or boards, the periods of existence of same, and for the compensation  
2 of such members and employees of same, in whole or in part. The Council may provide by  
3 ordinance for reimbursement of the actual and necessary expenses incurred by the members  
4 thereof in the performance of their official duties. The Council shall have the authority to  
5 annually appropriate and donate money derived from contributions and other nontax revenues  
6 for and to such commissions, councils and boards to provide for their operation, either in whole  
7 or in part.

8 ...

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

11 ...."

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

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

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

26 **SECTION 3.(a)** Section 3 of the Charter of the Town of Hildebran, being Chapter  
27 212 of the Private Laws of 1899, as amended by Chapter 433 of the Session Laws of 1973 and  
28 Chapter 238 of the Session Laws of 1993, reads as rewritten:

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

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

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

49 "**§ 161-8. Attendance at office.**

50 ~~The board of county commissioners may fix by order, to be entered on their records, what~~  
51 ~~days of each week, and at what hours of each day, the register of deeds shall attend at his office~~

1 ~~in person or by deputy, and he shall give his attendance accordingly.~~ The register of deeds shall  
2 be present in the office on a full-time schedule. Except for official State holidays, the office of  
3 the register of deeds shall be open for business Monday through Friday, at least 40 hours per  
4 week. The office shall not close before 5:00 P.M. and shall accept instruments and documents  
5 for filing until that time."

6 **SECTION 4.(b)** This section applies only in the Counties of Cleveland and Wayne.

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

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

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

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

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

24 **"§ 115D-12. Each institution to have board of trustees; selection of trustees.**

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

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

41 Group Two – four trustees, appointed by the General Assembly under G.S. 120-121, two of  
42 whom shall be appointed upon recommendation of the Speaker of the House of Representatives  
43 and two of whom shall be appointed upon recommendation of the President Pro Tempore of the  
44 Senate. Following consultation with members of the House of Representatives whose districts  
45 include counties within the administrative area of the community college, the Speaker of the  
46 House of Representatives shall make recommendations to the General Assembly for  
47 appointments to terms expiring in 2019 and ~~2021, 2020,~~ and every four years thereafter.  
48 Following consultation with members of the Senate whose districts include counties within the  
49 administrative area of the community college, the President Pro Tempore of the Senate shall  
50 make recommendations to the General Assembly for appointments to terms expiring in 2018 and  
51 ~~2020, 2021,~~ and every four years thereafter.

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

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

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

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

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

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

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