

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
May 2, 2024
S.B. 799
PRINCIPAL CLERK

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SENATE BILL DRS55059-CH-11A

Short Title: Vacancy Filling for Town of Stanley. (Local)

Sponsors: Senator Overcash (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT VACANCIES OCCURRING ON THE TOWN COUNCIL FOR
3 THE TOWN OF STANLEY ARE FILLED FOR THE REMAINDER OF THE
4 UNEXPIRED TERM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 9 of Chapter 233 of the Private Laws of 1911, as amended by
7 an ordinance adopted by the Town on July 1, 1991, and a resolution adopted by the Town on
8 March 2, 1992, reads as rewritten:

9 "Sec. 9. That on the second Monday in May, one thousand nine hundred and eleven, and
10 biennially thereafter, the Town Council, after having taken an oath before some justice of the
11 peace of Gaston County to support the constitution of the United States and the constitution of
12 the State of North Carolina, and to well, faithfully and truly perform the duties of the office of a
13 Town Council of the town of Stanley, to the best of their ability, which oath shall be subscribed
14 to and entered upon the minutes of the corporation, and attested to by the ~~justice of the peace~~
15 individual administering the oath, shall take their seats and remain in office for a period of four
16 years and until ~~their successors are a successor is~~ elected and qualified, except such as may be
17 removed for cause or otherwise. They shall organize by electing one ~~of their members~~ member
18 chairman, who shall act as a mayor *pro tempore*, in case of a vacancy, absence, or illness of the
19 mayor. ~~They shall proceed to elect members to fill such vacancies as may arise by death, or~~
20 ~~failure to elect in the town, whether by virtue of a tie or on certificate of fraud, and shall fill any~~
21 ~~and all vacancies as may occur from time to time during their term of office, either elective or~~
22 ~~appointive offices.~~ Notwithstanding G.S. 160A-63, vacancies on the Town Council shall be filled
23 by appointment of the remaining members of the Town Council for the remainder of the
24 unexpired term. A majority of the Town Council shall constitute a quorum for the transaction of
25 business. Said Town Council shall meet for the transaction of business at least once a month, and
26 shall meet on the call of the mayor, or a majority of the Town Council, as often as may be
27 necessary. ~~Said board of aldermen at its first meeting after having been qualified shall proceed~~
28 ~~to elect a chief of police for said town, and as many assistant policemen as may be deemed~~
29 ~~necessary from time to time. The chief of police shall also act as tax collector, and as chief of the~~
30 ~~fire department, until the board of aldermen shall deem it best to elect separate officers for these~~
31 ~~offices. The board of aldermen shall also elect at this meeting a town clerk, who shall also fill~~
32 ~~the office of town secretary and treasurer, until the board of aldermen shall deem it best to elect~~
33 ~~separate officers to fill these offices. They shall also elect a sanitary officer for said town and~~
34 ~~when deemed necessary a city attorney, and any and all other officers which may be deemed~~
35 ~~necessary to promote the general welfare of the people and for the good government of the town.~~
36 Said officers so elected shall hold their respective offices for a period of two years, or until their



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1 ~~successors have been elected and qualified, except such as may be removed for cause or~~
2 ~~otherwise."~~

3 **SECTION 2.** This act is effective when it becomes law and applies to vacancies
4 occurring on or after that date.