

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1524
Committee Substitute Favorable 6/17/98

Short Title: Morganton Mayor.

(Local)

Sponsors:

Referred to:

May 27, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF
3 MORGANTON AND TO MAKE TECHNICAL CORRECTIONS CONCERNING
4 THAT OFFICE.

5 The General Assembly of North Carolina enacts:

6 Section 1. (a) Section 2.11 of the Charter of the City of Morganton, being
7 Chapter 180, Session Laws of 1975, reads as rewritten:

8 **"CHAPTER 2. MAYOR.**

9 "Sec. 2.11. Election and term of office.—The Mayor shall be elected as provided in
10 this Charter for a term of ~~two (2) years~~ four years. The term of office of the Mayor shall
11 commence on the day and hour of the organizational meeting held at the first regular
12 meeting of the Council in December after the results of the election have been certified,
13 and he shall serve until his successor has taken office."

14 (b) This section becomes effective beginning with the Mayor elected in the
15 1999 municipal election.

16 Section 2. Section 2.14(b) of the Charter of the City of Morganton, being
17 Chapter 180, Session Laws of 1975, reads as rewritten:

18 "Sec. 2.14. Vacancy; absence or disability.—(a) A vacancy in the office of Mayor
19 shall exist when a duly elected person fails to qualify or when a person who has been

1 elected and has qualified dies, resigns, or no longer meets the requirements of Section
2 2.11 of this Charter, or is recalled. If a vacancy occurs in the office of Mayor, the
3 Council shall by majority vote appoint some qualified person to fill the office for the
4 remainder of the unexpired term. The Mayor Pro Tempore shall discharge the powers
5 and duties of the office of Mayor until the office is filled, and he shall receive the same
6 compensation as received by the office of Mayor during such period of service. The
7 council seat of Mayor Pro Tempore is not vacant during any period in which the Mayor
8 Pro Tempore discharges powers and duties of the office of Mayor.

9 (b) During the absence or disability of the Mayor, the Mayor Pro Tempore shall
10 perform the powers and duties of the Mayor during the period that such absence or
11 disability exists. The inability of the Mayor to perform the duties of his office shall be
12 determined by the Council in accordance with the provisions of ~~G.S. 160A-70~~. G.S. 160A-
13 70, except that the vote of the Mayor is not required in any such determination."

14 Section 3. Section 2.22(b) of the Charter of the City of Morganton, being
15 Chapter 180, Session Laws of 1975, as amended by Chapter 299 of the Session Laws of
16 1977, reads as rewritten:

17 "(b) Except where a greater number is required by law, an affirmative vote equal to a
18 majority of all the voting members of the council present and not excused from voting on
19 a question (~~including the mayor's vote in case of equal division~~) shall be required to adopt
20 any ordinance or any resolution or motion having the effect of an ordinance; provided,
21 however, that no ordinance shall be finally adopted on the date it is introduced unless
22 adopted by an affirmative vote equal to or greater than two thirds of all the council
23 members, not including the mayor and any member excused from voting on the ~~question~~
24 (~~but including the mayor's vote in case of equal division~~). question. No member of the
25 Council shall be excused from voting except on matters involving the consideration of his
26 own official conduct or involving his financial interest. The question of compensation
27 and allowances of members of the Council or the Mayor shall not be considered to
28 involve a member's own financial interest or official conduct. In all other cases, a failure
29 to vote by a member who is physically present in the council chamber, or who has
30 withdrawn without being excused by a majority vote of the remaining members present,
31 shall be recorded as an affirmative vote."

32 Section 4. This act is effective when it becomes law.