

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**HOUSE BILL 310
RATIFIED BILL**

AN ACT TO GIVE A VETO OF KINSTON CITY COUNCIL ACTIONS TO THE MAYOR,
CONTINGENT ON THE APPROVAL OF THIS ACT BY THE VOTERS OF THE CITY
OF KINSTON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2.3 of the Charter of the City of Kinston, being Chapter 169 of the 1987 Session Laws, reads as rewritten:

"Section 2.3. Mayor; Term of Office; Duties. (a) The Mayor shall be elected for a term of four years or until his or her successor is elected and qualified; shall be the official head of the City government and preside at meetings of the Council; shall have the right to vote only when there is an equal division on any question or matter before the Council; and shall exercise the powers and duties conferred by law or as directed by the Council.

(b) Except for matters which must be approved by the voters in accordance with Chapter 159 of the General Statutes, the Mayor may veto any action adopted by the Council, including ordinances and resolutions. The veto may be exercised at the meeting at which the action was taken or at any time before the end of the seventh calendar day after the day the action was adopted. To veto the action, the Mayor shall notify the City Clerk in writing, together with a veto message stating the reasons for the veto. The City Clerk shall place that item on the agenda at the next regular or special meeting of the Council, but it shall not become effective unless it is readopted by the Council with at least four-fifths of all the members of the Council voting in the affirmative. The Mayor may approve the item at any time prior to the expiration of the seven-day period by notifying the City Clerk in writing. In any case where the City Clerk is notified of veto or approval of any item, the City Clerk shall inform all members of the Council by electronic mail or other means."

SECTION 2. Section 2.6 of the Charter of the City of Kinston, being Chapter 169 of the 1987 Session Laws, reads as rewritten:

"Section 2.6. Ordinances and Resolutions. The adoption, amendment, repeal, pleading and proving of City ordinances and resolutions shall be in accordance with general law—law as modified by Section 2.3 of this Charter. All ordinances and resolutions shall be effective upon adoption unless otherwise provided."

SECTION 3. Sections 1 and 2 of this act become effective only if approved by the qualified voters of the City of Kinston in a referendum. The election shall be conducted by the Lenoir County Board of Elections on November 8, 2011. The question on the ballot shall be:

" [] FOR [] AGAINST

Amendment of the Charter of the City of Kinston to give the Mayor the right to veto City Council actions, subject to an override by four-fifths of the City Council."

SECTION 4. If a majority of the votes cast are in favor of the question, Sections 1 and 2 of this act become effective 30 days after certification of the results of the question. Otherwise, Sections 1 and 2 of this act do not become effective.

SECTION 5. The City Attorney of the City of Kinston shall submit the date of the election under this act for preclearance under section 5 of the Voting Rights Act of 1965 within 30 days of this act becoming law, as provided by G.S. 120-30.9F. If it is not so submitted, the Attorney General shall submit it under G.S. 120-30.9I.



SECTION 6. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 5th day of May, 2011.

Walter H. Dalton
President of the Senate

Thom Tillis
Speaker of the House of Representatives