

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-81
HOUSE BILL 1524

AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF
MORGANTON AND TO MAKE TECHNICAL CORRECTIONS CONCERNING
THAT OFFICE.

The General Assembly of North Carolina enacts:

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

"Chapter 2. Mayor.

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

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

Section 2. Section 2.14(b) of the Charter of the City of Morganton, being Chapter 180, Session Laws of 1975, 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 by majority vote 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 shall receive the same compensation as received by the office of Mayor during such period of service. 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 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. The inability of the Mayor to perform the duties of his office shall be determined by the Council in accordance with the provisions of ~~G.S. 160A-70.~~ G.S. 160A-70, except that the vote of the Mayor is not required in any such determination."

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

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

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

In the General Assembly read three times and ratified this the 10th day of August, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives