

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 101
State and Local Government Committee Substitute Adopted 4/28/15
PROPOSED HOUSE COMMITTEE SUBSTITUTE S101-PCS15266-TH-39

Short Title: Omnibus Local Act.

(Local)

Sponsors:

Referred to:

February 23, 2015

A BILL TO BE ENTITLED

1 AN ACT CLARIFYING THE BOARD VOTING RULES FOR THE ELIZABETH
2 CITY-PASQUOTANK BOARD OF EDUCATION AND TO ADD BEAUFORT, DARE,
3 GATES, AND HYDE COUNTIES TO THE LIST OF COUNTIES COVERED BY
4 G.S. 153A-15 AND TO MAKE A CONFORMING CHANGE TO THE GASTON
5 COUNTY BOARD OF COMMISSIONERS AND GASTON COUNTY BOARD OF
6 EDUCATION RESULTING FROM A CHANGE IN TOWNSHIP LINES.
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Section 3 of Chapter 29 of the 1967 Session Laws, as amended by
10 Chapter 8 of the 1977 Session Laws and by Section 9(b) of S.L. 2005-305, reads as rewritten:

11 **"Sec. 3.** Three members of the Board shall be residents within the Elizabeth City
12 Township, hereinafter referred to as "inside members", and three members of the Board shall
13 be residents of the other townships outside Elizabeth City Township, hereinafter referred to as
14 "outside members". The remaining member shall hereinafter be referred to as the "at-large
15 member" and shall be a county resident with no residence required within a particular township
16 area.

17 Candidates for membership on the Board shall file for office at the same time and on the
18 same terms and conditions as candidates for other county offices. Candidates shall file, based
19 upon residency, for any available "inside member" seats, "outside member" seats, or the
20 "at-large member" seat that they qualify for by virtue of the residency at the time of filing.
21 However, there shall be no primary, and filed candidates for each type of available seat shall be
22 placed on the general election ballot to be voted on by all qualified voters of the county. Each
23 voter shall have the right to vote in each race for "inside member" seats, "outside members"
24 seats, or the "at-large member" seat up to the number of open seats up for election as to each
25 particular type of seat, but may not cast more than one vote for each candidate. The election
26 shall be held on a nonpartisan plurality basis with the candidates receiving the highest number
27 of votes for each type of seat filling the available open seat or seats in descending order of their
28 vote totals. Candidates elected shall take office the first Monday in December, and shall serve a
29 four-year term.

30 All vacancies shall be filled by appointment by the remainder of the Board within 60 days,
31 and the person so appointed shall serve the remainder of the unexpired term.

32 Terms shall be staggered, with two "inside member" seats and two "outside member" seats
33 being elected in 2006 and every four years thereafter, and one "inside member" seat, one
34 "outside member" seat, and the "at-large member" seat being elected in 2008 and every four
35 years thereafter.



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~~The Elizabeth City-Pasquotank Board of Education shall elect a chairman and vice chairman to preside over its meetings, and the vice chairman shall be entitled to vote in all matters being considered by said Board but neither the chairman nor the vice chairman shall have the authority to cast a vote to create a tie vote and then vote again to break the tie.~~

The Elizabeth City-Pasquotank Board of Education shall elect a chair to preside over its meetings and a vice-chair to preside over its meetings in the chair's absence. The chair shall not vote on any matters being considered by said Board, unless there is a tie vote, in which case the chair shall cast the deciding vote. When the chair is present at a meeting, the vice-chair shall be entitled to vote on all matters being considered by said Board. When the vice-chair is presiding over a meeting in the chair's absence, the vice-chair shall not vote on any matters being considered by said Board, unless there is a tie vote, in which case the vice-chair shall cast the deciding vote. Neither the chair nor the vice-chair shall have the authority to cast a vote to create a tie vote and then vote again to break the tie.

The Elizabeth City-Pasquotank Board of Education shall control, administer and operate all of the public schools in Pasquotank County, including the public schools now located in the Elizabeth City Administrative Unit, as well as the public schools now located in the Pasquotank County Administrative Unit. The Elizabeth City-Pasquotank Board of Education shall exercise all the powers, authority and duties as are now exercised and performed by city and county boards of education and as provided by Chapter 115 of the General Statutes, as revised and amended, and as the same may hereafter be revised and amended. All members of the said Board shall hold their offices until their successors are elected and qualified."

SECTION 2. G.S. 153A-15 reads as rewritten:

"§ 153A-15. Consent of board of commissioners necessary in certain counties before land may be condemned or acquired by a unit of local government outside the county.

(a) Notwithstanding the provisions of Chapter 40A of the General Statutes or any other general law or local act conferring the power of eminent domain, before final judgment may be entered in any action of condemnation initiated by a county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county, whereby the condemnor seeks to acquire property located in the other county, the condemnor shall furnish proof that the county board of commissioners of the county where the land is located has consented to the taking.

(b) Notwithstanding the provisions of G.S. 153A-158, 160A-240.1, 130A-55, or any other general law or local act conferring the power to acquire real property, before any county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county acquires any real property located in the other county by exchange, purchase or lease, it must have the approval of the county board of commissioners of the county where the land is located.

(c) This section applies to Alamance, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Burke, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Montgomery, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes, and Yancey Counties only.

(d) This section does not apply as to any condemnation or acquisition of real property or an interest in real property by a city where the property to be condemned or acquired is within the corporate limits of that city."

1 **SECTION 3.(a)** Section 3 of Chapter 375 of the 1975 Session Laws reads as
2 rewritten:

3 "**Sec. 3.** After 1976 there shall be seven county commissioners for Gaston County, ~~two of~~
4 ~~whom must be residents of Gastonia Township and~~ one each from the townships of North
5 Gastonia, South Gastonia, Dallas, Riverbend, Southpoint, Crowders Mountain and
6 Cherryville."

7 **SECTION 3.(b)** Section 2 of Chapter 633 of the 1977 Session Laws reads as
8 rewritten:

9 "**Sec. 2.** Composition of board of education. Notwithstanding Section 115-18 of the
10 General Statutes of North Carolina, the board of education shall consist of nine members. Two
11 members shall be elected by the duly qualified voters of Gaston County without regard to
12 residence in any particular township and seven members shall be elected by the duly qualified
13 voters of Gaston County from the following townships:

14 (1) Cherryville Township shall be entitled to one member.

15 (2) Crowders Mountain Township shall be entitled to one member.

16 (3) Dallas Township shall be entitled to one member.

17 (4) North Gastonia Township shall be entitled to ~~two members.~~ one member.

18 (5) Riverbend Township shall be entitled to one member.

19 (6) Southpoint Township shall be entitled to one member.

20 (7) South Gastonia Township shall be entitled to one member."

21 **SECTION 3.(c)** This section becomes effective January 1, 2016, and applies to
22 elections held on or after that date. This section does not affect the office of any member of the
23 Gaston County Board of Commissioners or Gaston County Board of Education elected or
24 appointed before that date.

25 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
26 law.