

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 19
PROPOSED COMMITTEE SUBSTITUTE H19-PCS10069-ST-1

Short Title: Organizational Meeting/Local Elected Boards.

(Public)

Sponsors:

Referred to:

January 26, 2017

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE LAWS REGARDING WHEN LOCAL ELECTED BOARDS
3 SELECT A CHAIR AND OTHER OFFICERS OF THE BOARD WHEN THERE IS A
4 DELAY IN THE DETERMINATION OF ELECTION RESULTS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115C-41 reads as rewritten:

7 "§ 115C-41. Organization of board.

8 (a) Unless otherwise provided by local law, all local boards of education shall have an
9 organizational meeting no later than 60 days after the swearing in of all members filling vacant
10 seats following election or appointment and as often thereafter as the board shall determine
11 appropriate. The board may fix the date and time of its organizational meeting. At the
12 organizational meeting the members of all boards shall elect one of their members as ~~chairman~~
13 chair for a period of one year, or until his-a successor is elected and qualified. The ~~chairman~~-chair
14 of the local board of education shall preside at the meetings of the board, and in the event of his
15 absence or sickness, the board may appoint one of its members temporary ~~chairman~~-chair.

16 (a1) If, notwithstanding subsection (a) of this section, following an election, one or more
17 members of the board cannot be sworn in due to an election protest under G.S. 163-182.9, the
18 chair chosen the previous year shall continue to hold that position until the election protest is
19 resolved and all board members take the oath of office. If the chair chosen the previous year is no
20 longer a member of the board, the board members may choose a temporary chair to serve until the
21 election protest is resolved and all board members take the oath of office. At the first regular
22 meeting of the local board of education following the qualification of the newly elected board
23 member or members, the local board of education shall choose a chair for the remainder of that
24 year.

25 (a2) The superintendent of schools, whether a county or city superintendent, shall be ex
26 officio secretary to his or her respective board. ~~He~~ The superintendent shall keep the minutes of
27 the meetings of the board but shall have no vote: Provided, that in the event of a vacancy in the
28 superintendency, the board may elect one of its members to serve temporarily as secretary to the
29 board.

30 (b) All local boards of education shall meet on the first Monday in January, April, July,
31 and October of each year, or as soon thereafter as practicable. A board may elect to hold regular
32 monthly meetings, and to meet in special session upon the call of the ~~chairman~~-chair or of the
33 secretary as often as the school business of the local school administrative unit may require."

34 SECTION 2. G.S. 130A-56 reads as rewritten:

35 "§ 130A-56. Election of officers; board compensation.



* H 1 9 - P C S 1 0 0 6 9 - S T - 1 *

1 (a) Upon election, a sanitary district board shall meet and elect one of its members as
2 chairperson and another member as secretary. The chairperson of the sanitary district board shall
3 preside at the meetings of the board, and in the event of absence or sickness, the board may
4 appoint one of its members temporary chair.

5 (a1) If, notwithstanding subsection (a) of this section, following an election, one or more
6 members of the sanitary district board cannot be sworn in due to an election protest under
7 G.S. 163-182.9, the chairperson and secretary chosen the previous year shall continue to hold their
8 positions until the election protest is resolved and all board members take the oath of office. If the
9 chairperson or secretary chosen the previous year is no longer a member of the board, the board
10 members may choose a temporary chairperson or secretary to serve until the election protest is
11 resolved and all board members take the oath of office. At the first regular meeting of the board
12 following the qualification of the newly elected board member or members, the board shall choose
13 a chair and secretary.

14 (b) The board may employ a clerk or other assistants as necessary and may fix duties of
15 and compensation for employees. A sanitary district board may remove employees and fill
16 vacancies.

17 (c) The board may fix the compensation and allowances of the ~~chairman~~ chairperson and
18 other members of the board by adoption of the annual budget ordinance, payable from the funds of
19 the district, but no increase may become effective earlier than the first meeting of the board
20 following the next election of board members after adoption of the ordinance. Until adoption of an
21 ordinance under this subsection, each member of the board may receive compensation as provided
22 for members of State boards under G.S. 138-5, payable from funds of the district."

23 **SECTION 3.** G.S. 153A-39 reads as rewritten:

24 "**§ 153A-39. Selection of ~~chairman and vice-chairman~~; chair and vice-chair; powers and**
25 **duties.**

26 (a) On:

27 (1) The first Monday in December of each even-numbered year; and

28 (2) Its first regular meeting in December of each odd-numbered year,

29 the board of commissioners shall choose one of its members as ~~chairman~~ chair for the ensuing
30 year, unless the ~~chairman~~ chair is elected as such by the people or otherwise designated by law.
31 The board shall also at that time choose a ~~vice-chairman~~ vice-chair to act in the absence or
32 disability of the ~~chairman~~ chair. If the ~~chairman~~ chair and the ~~vice-chairman~~ vice-chair are both
33 absent from a meeting of the board, the members present may choose a temporary ~~chairman~~ chair.

34 (b) If, notwithstanding subsection (a) of this section, following an election, one or more
35 members of the board cannot be sworn in due to an election protest under G.S. 163-182.9, the
36 chair and vice-chair chosen the previous year shall continue to hold their positions until the
37 election protest is resolved and all board members take the oath of office. If the chair or vice-chair
38 chosen the previous year is no longer a member of the board, the board members may choose a
39 temporary chair or vice-chair to serve until the election protest is resolved and all board members
40 take the oath of office. At the first regular meeting of the board of commissioners following the
41 qualification of the newly elected board member or members, the board shall choose a chair and
42 vice-chair for the remainder of that year.

43 (c) The ~~chairman~~ chair is the presiding officer of the board of commissioners. Unless
44 excused by rule of the board, the presiding officer has the duty to vote on any question before the
45 board, but ~~he~~ the presiding officer has no right to break a tie vote in which he or she participated."

46 **SECTION 4.** G.S. 160A-70 reads as rewritten:

47 "**§ 160A-70. Mayor pro tempore; disability of mayor.**

48 (a) At the organizational meeting, the council shall elect from among its members a mayor
49 pro tempore to serve at the pleasure of the council. A councilman serving as mayor pro tempore
50 shall be entitled to vote on all matters and shall be considered a councilman for all purposes,
51 including the determination of whether a quorum is present. During the absence of the mayor, the

1 council may confer upon the mayor pro tempore any of the powers and duties of the mayor. If the
2 mayor should become physically or mentally incapable of performing the duties of ~~his~~the mayor's
3 office, the council may by unanimous vote declare that ~~he~~the mayor is incapacitated and confer
4 any of ~~his~~the mayor's powers and duties on the mayor pro tempore. Upon the mayor's declaration
5 that ~~he~~or she is no longer incapacitated, and with the concurrence of a majority of the council, the
6 mayor shall resume the exercise of ~~his~~the mayor's powers and duties. In the event both the mayor
7 and the mayor pro tempore are absent from a meeting, the council may elect from its members a
8 temporary ~~chairman~~chair to preside in such absence.

9 (b) If, notwithstanding subsection (a) of this section, following an election, one or more
10 members of the council cannot be sworn in due to an election protest under G.S. 163-182.9, the
11 mayor pro tempore chosen the previous year shall continue to hold that position until the election
12 protest is resolved and all council members take the oath of office. If the mayor pro tempore
13 chosen the previous year is no longer a member of the council, the council may choose a
14 temporary mayor pro tempore to serve until the election protest is resolved and all council
15 members take the oath of office. At the first regular meeting of the council following the
16 qualification of the newly elected council member or members, the council shall choose a mayor
17 pro tempore to serve at the pleasure of the council."

18 **SECTION 5.** This act is effective when it becomes law.