

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 497  
HOUSE BILL 923

AN ACT TO AUTHORIZE A REFERENDUM IN THE TOWN OF EDENTON ON  
THE QUESTION OF AMENDING CHAPTER 1013 OF THE SESSION LAWS  
OF 1961 TO ABOLISH THE TOWN BOARD OF PUBLIC WORKS.

The General Assembly of North Carolina do enact:

**Section 1.** At the regular primary election to be held in May of 1972, the Chowan County Board of Elections shall cause to be submitted to the qualified voters of the Town of Edenton the question of amending the Charter of the Town of Edenton, Chapter 1013 of the Session Laws of 1961, to abolish the Board of Public Works, as provided in Section 2 of this act.

At such election, ballots shall be provided containing the words "For Abolishing Board of Public Works" and "Against Abolishing Board of Public Works", with appropriate squares so that each voter may designate by his cross (X) mark his preference.

The Chowan County Board of Elections shall cause a notice of such referendum to be published once in each of the two calendar weeks preceding the day of election in a newspaper having general circulation in the town.

Except as otherwise provided herein, such referendum shall be conducted in accordance with the laws, rules, and regulations governing regular town elections.

If a majority of the votes cast in such referendum shall be cast "For Abolishing Board of Public Works", then Sections 2 and 3 of this act shall be effective on the Monday following the regular Edenton Town Election in 1973. If a majority of the votes cast in such referendum shall be cast "Against Abolishing Board of Public Works", then Sections 2 and 3 of this act shall be of no force and effect.

**Sec. 2.** Subject to the provisions of Section 1 hereof, the Charter of the Town of Edenton, as enacted by Section 1 of Chapter 1013 of the Session Laws of 1961, is hereby amended as follows:

(a) by inserting immediately after the fourth comma in the first paragraph of Section 4 of Chapter II thereof the word "and", and by striking out all of the first sentence of said paragraph appearing between the word "Treasurer" and the period at the end of said sentence;

(b) by changing the semicolon in the seventh line of the second paragraph of Section 4 of Chapter II thereof to a period, and by striking out all of said paragraph appearing after such period;

(c) by striking out of the second and third lines of the third paragraph of Section 4 of Chapter II thereof the words "and members of the Board of Public Works";

(d) by inserting between the comma and the word "the" in the first line of Section 2 of Chapter III thereof the word "and", and by striking out of the second line of said Section the comma and the words "and the members of the Board of Public Works";

(e) by inserting immediately after the first comma in the second line of Section 5 of Chapter III thereof the word "nor", and by striking out of the second and third lines of said Section the words "nor any member of the Board of Public Works";

(f) by striking out of the second and third lines of Section 10 of Chapter III thereof the words "or member of the Board of Public Works";

(g) by striking out of the fifth and sixth lines of Section 10 of Chapter III thereof the third comma and the words "or member of the Board of Public Works";

(h) by rewriting Chapter V thereof to read as follows:

#### **"CHAPTER V. BOARD OF COUNCILMEN**

"Section 1. Administration of Departments; Committees. The Board of Councilmen, as a body, shall have control and supervision over all departments of the town, and to that end shall have power to make and enforce such rules and regulations as it may deem fit and proper concerning the organization, management, and operation of all the departments of the town and of such agencies as may be created for the administration of its affairs. The Board of Councilmen, may by majority vote of all its members, create the following committees, each composed of two Councilmen, to perform the functions and duties herein prescribed: (a) Committee on Finance and Revenue, to oversee the preparation of the annual budget and the recommendations as to the levy of taxes, the collection of revenues, and the management of all financial affairs of the town; (b) Committee on Utilities, to oversee the affairs of the Electric and Water Department and to recommend policies as to utility extensions, enlargements, and rates; and (c) Committee on Public Works, to oversee the affairs of the Street, Health, Sanitation, and Engineering Departments, and the operation and condition of the Town Common and all other public parks and squares of the town. The Board of Councilmen may from time to time assign additional duties to one or more of the committees herein authorized, and the Board of Councilmen or the Mayor may from time to time create other committees for other specific purposes or functions.

"Section 2. Administrative Duties of Committees. Should the Board of Councilmen create the Committees authorized by the preceding Section, then each committee shall approve all accounts and claims against the department or departments, and for the functions, within the scope of its responsibility. In the absence of either member of a committee, the other member shall perform such function, and in the absence of both members of a committee, the Mayor may assign such function to the Committee on Finance and Revenue. Before payment, all accounts shall be acted upon by the Board of Councilmen, acting as such, at a regular meeting."

(i) by striking out of the fourth and fifth lines of subsection (3)(a) of Section 1 of Chapter VI thereof, as enacted by Section 1 of Chapter 338 of the Session Laws of 1965, the punctuation and words ", except the affairs of the Water and Light Department,";

(j) by striking out of the second and third lines of subsection (4) of Section 1 of Chapter VI thereof, as enacted by Section 1 of Chapter 338 of the Session Laws of 1965, the punctuation and words ", except the Water and Light Department,";

(k) by changing the comma in the eleventh line of subsection (4) of Section 1 of Chapter VI thereof, as enacted by Section 1 of Chapter 338 of the Session Laws of 1961, to a period, and by striking out all of said subsection following such period;

(l) by striking out all of subsection (5) of Section 1 of Chapter VI thereof, as enacted by Section 1 of Chapter 338 of the Session Laws of 1965;

(m) by striking out of the sixth and seventh lines of Section 6 of Chapter VI thereof, as renumbered by Section 1 of Chapter 338 of the Session Laws of 1965, the punctuation and words ", and Commissioner of Finance and Revenue";

(n) by striking out of the twenty-ninth and thirtieth lines of Section 6 of Chapter VI thereof, as renumbered by Section 1 of Chapter 338 of the Session Laws of 1965, the punctuation and words ", or Commissioner of Finance and Revenue";

(o) by striking out all of Chapter VII thereof, entitled "Board of Public Works";

(p) by adding at the end of Chapter XII thereof a new Section, to be designated as Section 3 and to read as follows:

"Section 3. Sale or Lease of Utility Systems. The Board of Councilmen shall not sell or lease the town electric system, the town water system, the town sewerage system, or any other utility system which the town owns or may hereafter own, unless such sale or lease and the terms thereof be approved by a majority of the qualified voters who vote thereon in an election held not earlier than six months preceding such sale or lease; provided, this Section shall not be deemed to prohibit the Board of Councilmen from selling or exchanging particular utility lines, or minor portions of any utility system, located outside the corporate limits, in its discretion and without approval of the voters."

(q) by redesignating Chapters VIII through XII thereof as Chapters VII through XI, respectively.

**Sec. 3.** (a) From and after the Monday following the regular Edenton town election in 1973, all property, real and personal, including accounts receivable, then belonging to and owned by the Board of Public Works of the Town of Edenton, or belonging to and owned by the Water and Light Department of the Town of Edenton, shall vest in, belong to, and be the property of the Town of Edenton. The Board of Public Works of the Town of Edenton is hereby empowered and authorized to perform such acts and execute such documents prior to the Monday following the regular Edenton town election in 1973, as will carry into effect the provisions of this subsection.

(b) Those members of the Board of Public Works of the Town of Edenton who were elected for four-year terms in 1971, are hereby constituted members of the Board of Councilmen of the Town of Edenton for the duration of the terms for which they were elected members of the Board of Public Works. In the event any of said members shall resign or die, the vacancy so created shall not be filled.

(c) Notwithstanding any provisions of the Charter of the Town of Edenton, during the time when any members elected as members of the Board of Public

Works are serving as members of the Board of Councilmen pursuant to this Section, a majority of all members of the Board of Councilmen shall constitute a quorum for the conduct of business.

**Sec. 4.** All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

**Sec. 5.** Subject to the provisions of Section 1 hereof, this act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1971.