

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 674
Committee Substitute Favorable 5/7/91
Senate Finance Committee Substitute Adopted 6/24/91

Short Title: Jonesville/Arlington Merged.

(Local)

Sponsors:

Referred to:

April 10, 1991

A BILL TO BE ENTITLED

AN ACT TO MERGE THE TOWNS OF JONESVILLE AND ARLINGTON IN
YADKIN COUNTY, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. (a) The Yadkin County Board of Elections shall conduct an election on August 13, 1991, for the purpose of submitting to the qualified voters of the area described in Section 2.1 of the Charter of Jonesville-Arlington contained in Section 2 of this act, the question of whether the Towns of Jonesville and Arlington shall be merged and their obligations assumed by the merged entity. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

(b) In the election, the question on the ballot shall be:

FOR merger of the Towns of Arlington and Jonesville and the assumption of their obligations by the merged entity.

AGAINST merger of the Towns of Arlington and Jonesville and the assumption of their obligations by the merged entity."

(c) In the election, if a majority of the votes cast in each of the respective Towns of Jonesville and Arlington are "FOR merger of the Towns of Arlington and Jonesville and the assumption of their obligations by the merged entity" then Sections 2, and 4 through 7 of this act become effective as set forth in Section 9 of this act. Otherwise, Sections 2, and 4 through 7 of this act do not become effective.

Sec. 2. The following constitutes the Charter of the Town of Jonesville-Arlington, being the merged entity of the Towns of Arlington and Jonesville:

1 **"CHARTER OF THE TOWN OF JONESVILLE-ARLINGTON.**

2 **"ARTICLE I. INCORPORATION AND CORPORATE POWERS.**

3 "Section 1.1. **Incorporation and General Powers.** The inhabitants of the former
4 Town of Jonesville and the inhabitants of the former Town of Arlington are a body
5 corporate and politic under the name of 'The Town of Jonesville-Arlington' (also
6 referred to as the 'Town') until that name is changed in accordance with law. Under that
7 name they have all powers, duties, rights, privileges and immunities conferred and
8 imposed upon municipal corporations by the general law of the State.

9 **"ARTICLE II. CORPORATE BOUNDARIES.**

10 "Sec. 2.1. **Town Boundaries.** The corporate limits of the Town of Jonesville-
11 Arlington consist of all of the territory that was within the corporate limits of the Town
12 of Arlington and all of the territory that was within the corporate limits of the Town of
13 Jonesville on the date of ratification of the act establishing this Charter. An official map
14 of the Town, showing the current boundaries, as they may be changed from time to time
15 in accordance with law, is maintained permanently in the office of the Town Clerk and
16 is available for public inspection. Immediately upon alteration of the corporate limits
17 made pursuant to law, the appropriate changes to the official map shall be made and
18 copies shall be filed in the office of the Secretary of State, the Yadkin County Register
19 of Deeds and the appropriate boards of elections.

20 **"ARTICLE III. GOVERNING BODY.**

21 "Sec. 3.1. **Mayor and Town Council.** The Mayor and the Town Council constitute
22 the governing body of the Town.

23 "Sec. 3.2. **Town Council; Composition; Terms of Office.** The Council is
24 composed of six members who reside in the respective districts as provided in Article
25 IV of this Charter but who are elected by all the qualified voters of the Town for terms
26 of four years or until their successors are elected and qualified.

27 "Sec. 3.3. **Mayor; Term of Office; Duties.** The Mayor is elected by all the
28 qualified voters of the Town for a term of two years or until a successor is elected and
29 qualified.

30 **"ARTICLE IV. ELECTIONS.**

31 "Sec. 4.1. **Conduct of Town Elections.** Regular municipal elections shall be held
32 in each odd-numbered year in accordance with the uniform municipal election laws of
33 the State. Elections are conducted on a nonpartisan basis and the results determined
34 using the nonpartisan plurality method as provided in G.S. 163-292.

35 "Sec. 4.2. **Election of Town Council.** For purposes of electing members of the
36 Town Council, the Town is divided into two districts, one district on each side of
37 Highway 21. Three Council members shall be elected from each district. Council
38 members shall reside in the district from which they are elected. All members shall be
39 elected to serve staggered four-year terms.

40 **"ARTICLE V. ADMINISTRATION.**

41 "Sec. 5.1. **Town to Operate Under Council-Manager Plan.** The Town operates
42 under the council-manager form of government in accordance with Part 2 of Article 7
43 of Chapter 160A of the General Statutes."

1 Sec. 3. (a) Filing for election of officials of the Towns of Arlington and
2 Jonesville for the 1991 regular municipal election shall take place as required by law. If
3 the referendum provided for in Section 1 of this act results in merger of the two Towns,
4 then the 1991 election for the two Towns is cancelled, and any terms of office of the
5 elected officials of the two Towns that would have expired are extended until June 30,
6 1992. There shall be a special filing period commencing upon certification of the
7 election results and ending at 5:00 p.m. on the tenth business day after the date of
8 certification, for candidacies for Mayor and the governing board of the merged Town
9 for an election to be held in November of 1991. Six council members shall be elected.
10 For purposes of the election, the Town is divided into two districts, one on each side of
11 Highway 21. Three Council members shall be elected from each district. The three
12 highest vote getters shall be elected to four-year terms and the next three highest vote
13 getters shall be elected to two-year terms. G.S. 163-125 does not apply in the case of
14 any officer of either Town seeking office in the merged Town.

15 (b) The governing body of the merged Town, if elected as set forth in subsection
16 (a) of this section shall have its first organizational meeting on June 30, 1992, which is
17 the effective date of the merger provided for in this act. Between the date that the
18 officers are elected and qualified and June 30, 1992, the governing bodies of the two
19 Towns may meet separately or jointly to discuss Town business and take necessary
20 action on Town matters, including preparation of a budget for fiscal year 1992-93, and
21 may, by adopting concurrent ordinances and otherwise following the procedures set
22 forth in Part 4 of Article 5 of Chapter 160A of the General Statutes, change the name of
23 the merged Town. Meetings of the governing bodies during this period are subject to all
24 applicable notice and meeting procedures required by general law.

25 Sec. 4. The governing body of the merged Town, if elected as set forth in
26 Section 3 of this act may, at its first organizational meeting on June 30, 1992, or at any
27 time thereafter, amend the Charter of the Town of Jonesville-Arlington to change the
28 name of the merged Town pursuant to the procedure set forth in Part 4 of Article 5 of
29 Chapter 160A of the General Statutes.

30 Sec. 5. (a) All property, real, personal and mixed, including accounts
31 receivable, belonging to the former Town of Arlington or Jonesville shall vest in,
32 belong to, and be the property of the Town of Jonesville-Arlington. The governing
33 bodies of the Towns of Jonesville and Arlington are authorized and directed to take such
34 actions and to execute such documents as will carry into effect the provisions and the
35 intent of this section.

36 (b) All judgments, liens, rights of liens, and causes of action of any nature in
37 favor of the former Town of Arlington or Jonesville shall vest in and remain and inure
38 to the benefit of the Town of Jonesville-Arlington.

39 (c) All taxes, assessments, water or sewer charges, and any other charges or fees,
40 owing to the former Town of Arlington or Jonesville shall be owed to and collected by
41 the Town of Jonesville-Arlington.

42 (d) All actions, suits, and proceedings pending against or having been instituted
43 by the former Town of Arlington or Jonesville shall not be abated by this act or by the
44 merger provided herein, but shall be continued and completed in the same manner as if

1 merger had not occurred, and the Town of Jonesville-Arlington shall be a party to all
2 such actions, suits, and proceedings in the place and stead of the former Town of
3 Arlington or Jonesville and shall pay or cause to be paid any judgments rendered against
4 the former Town of Arlington or Jonesville in any such actions, suits, or proceedings.
5 No new process need be served in any such action, suit, or proceeding.

6 (e) All obligations of the former Town of Arlington or Jonesville, including
7 outstanding indebtedness, shall be assumed by the Town of Jonesville-Arlington, and all
8 such are hereby constituted obligations of the Town of Jonesville-Arlington, and the full
9 faith and credit of the Town of Jonesville-Arlington shall be deemed to be pledged for
10 the punctual payment of the principal of and interest on all general obligation bonds and
11 bond anticipation notes of the former Town of Arlington or Jonesville, and all the
12 taxable property located in the former Town of Arlington or Jonesville shall be subject
13 to taxation by the Town of Jonesville-Arlington for such payment.

14 (f) All ordinances of the former Town of Arlington or Jonesville and the
15 Town of Jonesville-Arlington shall continue in full force and effect within the area to
16 which they apply at the time of ratification of this act as ordinances of the Town of
17 Jonesville-Arlington until June 30, 1993, unless otherwise provided by the governing
18 body of the Town of Jonesville-Arlington.

19 (g) All franchises heretofore granted by the former Town of Arlington or
20 Jonesville that are still in force shall continue as valid franchises of the Town of
21 Jonesville-Arlington for the purposes granted within the area comprising the former
22 Town of Arlington or Jonesville.

23 (h) No person employed by either the former Town of Arlington or
24 Jonesville shall be terminated solely due to the merger provided for in this act.

25 (i) The Towns of Arlington and Jonesville are hereby abolished.

26 (j) All references to the "Town of Jonesville-Arlington" are references to the
27 merged entity established under this act. In the event that the name of the merged entity
28 is changed as provided in Section 3(b) or Section 4 of this act, the new name shall be
29 substituted for and shall have the same effect as the name "Town of Jonesville-
30 Arlington" wherever used in this act.

31 Sec. 6. Chapter 365 of the 1901 Session Laws, being the Charter of
32 Jonesville, and the Charter of Arlington as adopted by the Municipal Board of Control,
33 having served the purposes for which they were enacted, or having been consolidated
34 into this act are repealed.

35 Sec. 7. This act does not repeal, modify, or in any manner affect any acts
36 validating, confirming, approving, or legalizing official proceedings, actions, contracts,
37 or obligations of any kind of the Town of Jonesville or of the Town of Arlington.

38 Sec. 8. If any provision of this act is held invalid, such invalidity shall not
39 affect other provisions or applications of this act which can be given effect without the
40 invalid provision or application, and to this end the provisions of this act are declared to
41 be severable.

42 Sec. 9. (a) Sections 2, and 4 through 7 of this act become effective only if the
43 election held under Section 1 of this act results in merger of the Towns of Arlington and
44 Jonesville as provided in Section 1(c) of this act, and in that event, Sections 2, and 4

1 through 7 become effective June 30, 1992. The remainder of this act is effective upon
2 ratification.

3 (b) If a joint resolution adopted by the governing bodies of the Towns of
4 Arlington and Jonesville, or by a study commission established under Article 20 of
5 Chapter 153A of the General Statutes, directed or requested the Yadkin County Board
6 of Elections to take actions prior to the ratification of this act in preparation for the
7 August 13, 1991, election provided for in Section 1 of this act, any actions taken by the
8 Yadkin County Board of Elections for that purpose are validated. The Yadkin County
9 Board of Elections may alter the timetable established in Chapter 163 of the General
10 Statutes as necessary to hold the August 13, 1991, election provided for in Section 1 of
11 this act.