

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 6
Committee Substitute Favorable 3/19/01

Short Title: Merge Jonesville and Arlington.

(Local)

Sponsors:

Referred to:

January 25, 2001

A BILL TO BE ENTITLED

AN ACT TO MERGE THE TOWNS OF JONESVILLE AND ARLINGTON.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Yadkin County Board of Elections shall conduct an election on a date established by it but on or before June 1, 2001, for the purpose of submitting to the qualified voters of the area described in Section 2.1 of the Charter of Jonesville 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 Town of Jonesville. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

SECTION 1.(b) In the election, the question on the ballot shall be:

"[] FOR [] AGAINST

merger of the Towns of Arlington and Jonesville and the assumption of their obligations by the Town of Jonesville."

SECTION 1.(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 Town of Jonesville", then Sections 2 through 6 of this act become effective as set forth in Section 9 of this act. Otherwise, Sections 2 through 6 of this act do not become effective.

SECTION 2. The following constitutes the Charter of the Town of Jonesville, being the Town of Jonesville of the Towns of Arlington and Jonesville:

"CHARTER OF THE TOWN OF JONESVILLE.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and General Powers.** The inhabitants of the former Town of Jonesville and the inhabitants of the former Town of Arlington are a body corporate and politic under the name of 'The Town of Jonesville' (also referred to as the 'Town'). Under that name they have all powers, duties, rights, privileges, and immunities conferred and imposed upon municipal corporations by the general law of the State.

1 "ARTICLE II. CORPORATE BOUNDARIES.

2 "Section 2.1. **Town Boundaries.** The corporate limits of the Town of Jonesville
3 consist of all of the territory that was within the corporate limits of the Town of
4 Arlington and all of the territory that was within the corporate limits of the Town of
5 Jonesville on the date of ratification of the act establishing this Charter. An official map
6 of the Town, showing the current boundaries, as they may be changed from time to time
7 in accordance with law, is maintained permanently in the office of the Town Clerk and
8 is available for public inspection. Immediately upon alteration of the corporate limits
9 made pursuant to law, the appropriate changes to the official map shall be made and
10 copies shall be filed in the office of the Secretary of State, the Yadkin County Register
11 of Deeds, and the appropriate boards of elections.

12 "ARTICLE III. GOVERNING BODY.

13 "Section 3.1. **Mayor and Town Council.** The Mayor and the Town Council
14 constitute the governing body of the Town.

15 "Section 3.2. **Town Council; Composition; Terms of Office.** The Council is
16 composed of five members who are elected by all the qualified voters of the Town for
17 terms of four years or until their successors are elected and qualified.

18 "Section 3.3. **Mayor; Term of Office; Duties.** The Mayor is elected by all the
19 qualified voters of the Town for a term of four years or until a successor is elected and
20 qualified.

21 "ARTICLE IV. ELECTIONS.

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

26 "Section 4.2. **Election of Town Council.** In 2001, five members of the Council shall
27 be elected. The two persons receiving the highest numbers of votes are elected for
28 four-year terms, and the three persons receiving the next highest numbers of votes are
29 elected to two-year terms. In 2003 and quadrennially thereafter, three Council members
30 are elected to four-year terms. In 2005 and quadrennially thereafter, two Council
31 members are elected to four-year terms.

32 "Section 4.3. **Election of Mayor.** A Mayor shall be elected in 2001 and
33 quadrennially thereafter for a four-year term.

34 "ARTICLE V. ADMINISTRATION.

35 "Section 5.1. **Town to Operate Under Council-Manager Plan.** The Town operates
36 under the Council-Manager form of government in accordance with Part 2 of Article 7
37 of Chapter 160A of the General Statutes."

38 **SECTION 3.** Upon certification of the results of the election, the governing
39 body of the Town of Jonesville and the governing body of the Town of Arlington shall
40 each choose three persons to serve on the Town Council of the Town of Jonesville from
41 July 1, 2001, until the organizational meeting after the regular 2001 municipal election.
42 The new Town Council shall hold an organizational meeting on July 2, 2001, and shall
43 elect from among its membership a Mayor to serve until the organizational meeting

1 after the regular 2001 municipal election. The membership of the Council,
2 notwithstanding Section 3.2 of the Charter, as enacted by this act, shall remain at six
3 during that period.

4 **SECTION 4.(a)** All property, real, personal, and mixed, including accounts
5 receivable, belonging to the former Town of Arlington or Jonesville shall vest in,
6 belong to, and be the property of the Town of Jonesville. The governing bodies of the
7 Towns of Jonesville and Arlington are authorized and directed to take such actions and
8 to execute such documents as will carry into effect the provisions and the intent of this
9 section.

10 **SECTION 4.(b)** All judgments, liens, rights of liens, and causes of action of
11 any nature in favor of the former Town of Arlington or Jonesville shall vest in and
12 remain and inure to the benefit of the Town of Jonesville.

13 **SECTION 4.(c)** All taxes, assessments, water or sewer charges, and any
14 other charges or fees, owing to the former Town of Arlington or Jonesville shall be
15 owed to and collected by the Town of Jonesville.

16 **SECTION 4.(d)** All actions, suits, and proceedings pending against or
17 having been instituted by the former Town of Arlington or Jonesville shall not be abated
18 by this act or by the merger provided herein, but shall be continued and completed in
19 the same manner as if merger had not occurred, and the Town of Jonesville shall be a
20 party to all such actions, suits, and proceedings in the place and stead of the former
21 Town of Arlington or Jonesville and shall pay or cause to be paid any judgments
22 rendered against the former Town of Arlington or Jonesville in any such actions, suits,
23 or proceedings. No new process need be served in any such action, suit, or proceeding.

24 **SECTION 4.(e)** All obligations of the former Town of Arlington or
25 Jonesville, including outstanding indebtedness, shall be assumed by the Town of
26 Jonesville, and all such are hereby constituted obligations of the Town of Jonesville,
27 and the full faith and credit of the Town of Jonesville shall be deemed to be pledged for
28 the punctual payment of the principal of and interest on all general obligation bonds and
29 bond anticipation notes of the former Town of Arlington or Jonesville, and all the
30 taxable property located in the former Town of Arlington or Jonesville shall be subject
31 to taxation by the Town of Jonesville for such payment.

32 **SECTION 4.(f)** All ordinances of the former Town of Jonesville shall
33 continue in full force in the entire new corporate limits of the Town unless otherwise
34 provided by the governing body of the Town of Jonesville as provided by law, except
35 that franchise ordinances shall not apply within the former corporate limits of the Town
36 of Arlington as long as a franchise ordinance of the Town of Arlington continues to
37 apply. All ordinances of the Town of Arlington, other than franchise ordinances
38 preserved by subsection (g) of this section, expire July 2, 2001.

39 **SECTION 4.(g)** All franchises heretofore granted by the former Town of
40 Arlington or Jonesville that are still in force shall continue as valid franchises of the
41 Town of Jonesville for the purposes granted within the area comprising the former
42 Town of Arlington or Jonesville.

1 **SECTION 4.(h)** No person employed by either the former Town of
2 Arlington or Jonesville shall be terminated solely due to the merger provided for in this
3 act.

4 **SECTION 4.(i)** The Town of Arlington is hereby abolished.

5 **SECTION 4.(j)** All references to the "Town of Jonesville" are references to
6 the Town of Jonesville established under this act.

7 **SECTION 5.** Chapter 365 of the 1901 Session Laws, being the Charter of
8 Jonesville, and the Charter of Arlington as adopted by the Municipal Board of Control,
9 having served the purposes for which they were enacted, or having been consolidated
10 into this act, are repealed.

11 **SECTION 6.(a)** This act does not repeal, modify, or in any manner affect
12 any acts validating, confirming, approving, or legalizing official proceedings, actions,
13 contracts, or obligations of any kind of the Town of Jonesville or of the Town of
14 Arlington.

15 **SECTION 6.(b)** The Jonesville Town Council may adopt a budget for the
16 2001-2002 fiscal year on or after July 2, 2001, without following the timetable directed
17 in the Local Government Budget and Fiscal Control Act. The governing boards of the
18 Towns of Arlington and Jonesville may, prior to July 1, 2001, jointly adopt a temporary
19 2001-2002 budget for the Town of Jonesville to operate under until adoption of the
20 permanent budget after the merger.

21 **SECTION 7.** This act is effective when it becomes law.