

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 431*

Short Title: Fontana Dam Incorporated. (Local)

Sponsors: Senators Davis; Apodaca and Rabon.

Referred to: Finance.

March 28, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF FONTANA DAM.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** A Charter for the Town of Fontana Dam is enacted to read:

5 "CHARTER OF THE TOWN OF FONTANA DAM.

6 "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

7 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of
8 Fontana Dam are a body corporate and politic under the name 'Town of Fontana Dam.' The
9 Town of Fontana Dam has all the powers, duties, rights, privileges, and immunities conferred
10 and imposed on cities by the general laws of North Carolina.

11 "ARTICLE II. CORPORATE BOUNDARIES.

12 "Section 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of
13 the Town of Fontana Dam are as follows:

14 A tract of land located at Fontana Village in the Yellow Creek Township of Graham
15 County, State of North Carolina, approximately 1.25 miles southwest of Fontana Dam, and
16 more particularly described as follows: BEGINNING at a metal marker (Coordinates: N
17 646,225; E 559,660) on the west side of Fontana Village at a common corner of the land of the
18 United States of America (Tennessee Valley Authority), the land of the Whiting Manufacturing
19 Company and the land previously transferred in fee by the Tennessee Valley Authority to the
20 United States Department of Agriculture under the designation of Tract XTFR-4. From the
21 initial point with the boundary line of the land in custody of the Tennessee Valley Authority, N
22 67-32 E 2,818 feet passing a metal marker at 552 feet and a metal marker at the east edge of a
23 road at 1,193 feet to a metal marker; thence, N 25-15 E 2,429 feet passing a metal marker at
24 1,831 feet to a metal marker; thence, N 77-06 E 1,603 feet crossing State Highway 28 at
25 approximately 65 feet to a metal marker; thence, S 45-31 E 1,480 feet to a metal marker;
26 thence, S 22-32 E 846 feet recrossing State Highway 28 at approximately 775 feet to a metal
27 marker; thence, S 56-26 W 3,594 feet to a metal marker; thence, S 85-25 W 602 feet to a metal
28 marker; thence, S 77-16 W 1,470 feet to a metal marker; thence, due south, 303 feet to a metal
29 marker; thence, N 89-28 W 1,504 feet to a metal marker; thence, N 03-26 W 836 feet to the
30 point of BEGINNING, containing 288.5 acres, more or less.

31 "ARTICLE III. GOVERNING BODY.

32 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing body
33 of the Town of Fontana Dam is the Mayor and the Town Council, which shall have four
34 members.

35 "Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial
36 election in 2011 provided for by Section 4.2 of this Charter, Tammy Dees is appointed Mayor
37 and Tim Gamble, Craig Litz, Vanessa Litz, and Debbie Rich are appointed council members of



1 the Town of Fontana Dam, and they shall possess and exercise the powers granted to the Mayor
2 and governing body until their successors are elected or appointed and qualified pursuant to this
3 Charter. The temporary officers shall elect a person to serve as Interim Mayor Pro Tempore. If
4 any person named in this section is unable to serve, the remaining temporary officers shall, by
5 majority vote, appoint a person to serve until the initial election is held in 2011.

6 "Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified voters of
7 the entire Town shall elect the members of the Town Council, and they shall serve for a term of
8 two years or until their successors are elected and qualified.

9 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified voters of
10 the entire Town shall elect the Mayor, who shall serve for a term of two years or until the
11 Mayor's successor is elected and qualified. The Mayor shall attend and preside over meetings
12 of the Town Council, shall advise the Town Council from time to time as to matters involving
13 the Town of Fontana Dam, and shall have the right to vote as a member of the Town Council
14 on all matters before the Town Council but shall have no right to break a tie vote in which the
15 Mayor has participated. In the case of a vacancy in the office of Mayor, the remaining members
16 of the Town Council shall choose from their own number a successor for the unexpired term.

17 "Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.** The
18 Mayor Pro Tempore shall be elected from among the members of the Town Council at the
19 organizational meeting after the initial election in 2011 and shall serve for a term of two years.
20 The Mayor Pro Tempore shall act in the absence or disability of the Mayor. If the Mayor and
21 Mayor Pro Tempore are both absent from a meeting of the Town Council, the members of the
22 Town Council present may elect a temporary chair to preside in the absence. The Mayor Pro
23 Tempore shall have the right to vote on all matters before the Town Council and shall be
24 considered a member of the Town Council for all purposes.

25 "ARTICLE IV. ELECTIONS.

26 "Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a nonpartisan
27 basis and results determined by a plurality as provided in G.S. 163-292.

28 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter
29 163 of the General Statutes, with the first regular municipal election to be held on November 8,
30 2011.

31 "Section 4.3. **Special Elections and Referenda.** Special elections and referenda may be
32 held only as provided by general law or applicable local acts of the General Assembly.

33 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

34 "Section 5.1. **Form of Government.** The Town shall operate under the council-manager
35 form of government as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.

36 "Section 5.2. **Town Attorney.** The Town Council shall appoint a Town Attorney licensed
37 to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the
38 Town, advise Town officials, and perform other duties as required by law or as directed by the
39 Town Council. The Town Attorney shall serve at the pleasure of the Town Council.

40 "Section 5.3. **Town Clerk.** The Town Council shall appoint a Town Clerk who shall
41 perform duties as required by law or as directed by the Town Council. The Town Clerk shall
42 serve at the pleasure of the Town Council.

43 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

44 "Section 6.1. **Powers of the Town Council.** The Town Council may levy those taxes and
45 fees authorized by general law. An affirmative vote equal to a majority of all the members of
46 the Town Council shall be required to change the ad valorem tax rate from the rate established
47 during the prior fiscal year.

48 "Section 6.2. **Commencement of Tax Collection.** From and after July 1, 2011, the citizens
49 and property in the Town of Fontana Dam shall be subject to municipal taxes levied for the
50 year beginning July 1, 2011, and for that purpose the Town shall obtain from Graham County a

1 record of property in the area herein incorporated which was listed for property taxes as of
2 January 1, 2011.

3 "Section 6.3. **Budget.** The Town may adopt a budget ordinance for fiscal year 2011-2012
4 without following the timetable in the Local Government Budget and Fiscal Control Act but
5 shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year
6 2011-2012, ad valorem taxes may be paid at par or face amount within 90 days of adoption of
7 the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360 as if the
8 taxes had been due and payable on September 1, 2011. If the effective date of the incorporation
9 is prior to July 1, 2011, the Town may adopt a budget ordinance for fiscal year 2010-2011
10 without following the timetable in the Local Government Budget and Fiscal Control Act but
11 shall follow the sequence of actions in the spirit of the act insofar as practical. No ad valorem
12 taxes may be levied for the 2010-2011 fiscal year.

13 "ARTICLE VII. ORDINANCES.

14 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of
15 Fontana Dam is authorized to adopt such ordinances as the Town Council deems necessary for
16 the governance of the Town."

17 **SECTION 2.** This act is effective when it becomes law.