

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 201  
SENATE BILL 248

AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY MAY PROVIDE IN AN ACT OF INCORPORATION THAT THE GOVERNING BOARD OF THE CITY MAY BE EX OFFICIO THE GOVERNING BOARD OF A PREEXISTING SANITARY DISTRICT, IF THE SANITARY DISTRICT APPROVES.

The General Assembly of North Carolina enacts:

**Section 1.** Chapter 130 of the General Statutes is amended by adding a new section to read:

**"§ 130-126.1. City governing body acting as sanitary district board.** — (a) When the General Assembly incorporates a city or town that includes within its territory 50 percent or more of the territory of a sanitary district established pursuant to this Article, the General Assembly may provide in the incorporation act that the city or town governing body shall become ex officio the governing board of the sanitary district, if the existing sanitary district board adopts a resolution pursuant to this section. Such a resolution may be adopted at any time within the period beginning the day of ratification of the act incorporating the city or town and ending 270 days after the effective date of the incorporation act.

(b) To begin the process leading to the city or town board becoming ex officio the sanitary district board, the board of the sanitary district shall first adopt a preliminary resolution finding that the interests of the citizens of the sanitary district and of the city or town will be best served if both units of local government are governed by a single governing body. This resolution shall also set the date for a public hearing on the preliminary resolution.

(c) Upon adoption of this preliminary resolution, the chairman of the sanitary district board shall cause notice of the public hearing to be published once, at least 10 days before the hearing, in a newspaper of general circulation within the sanitary district. This notice shall set forth the time and place of the hearing and shall briefly describe its purpose. At the hearing, the board shall hear any citizen of the sanitary district or of the city or town who wishes to speak to the subject of the preliminary resolution.

(d) Within 30 days after the day of the public hearing, the sanitary district board may adopt a final resolution finding that the interests of the citizens of the sanitary district and of the city or town will be best served if both units are governed by a single board. This resolution shall set the date on which the terms of office of the members of the sanitary district board end and that board is dissolved and service by the ex officio board begins. This date may be the effective date of the incorporation of the city or town or any date within one year after the effective date. At that time, the sanitary district board is dissolved and the mayor and members of the governing body of the city or town become ex officio the board of the sanitary district. The mayor shall act ex officio as chairman of the sanitary district board.

(e) The chairman of the sanitary district board that adopts such a final resolution shall within 10 days after the day the resolution is adopted cause a copy of the resolution to be delivered to the mayor and each member of the city or town governing board and to the Commission for Health Services."

**Sec. 2.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1981.