

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 443

Short Title: City/Sanitary District Merger.

(Public)

Sponsors: Senators Kincaid; and Simpson.

Referred to: Local Government.

March 15, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A PROCEDURE FOR MERGER OF A CITY AND A
SANITARY DISTRICT WHOSE BOUNDARIES ARE COTERMINOUS.

The General Assembly of North Carolina enacts:

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

"§ 130A-80.1. Merger of district with coterminous city or town; election.

A sanitary district may merge with a coterminous city or town in the following
manner:

- (1) The sanitary district board and the governing board of the city or town may resolve that it is advisable to call an election within the area of the sanitary district and the city or town to determine if the sanitary district and the city or town should merge;
- (2) If the sanitary district board and the governing board of the city or town resolve that it is advisable to call for an election, both boards shall adopt a resolution requesting the board of commissioners in the county or counties in which the district and the town or city or any portion is located to hold an election on a date named by the sanitary district board and the governing board of the city or town after consultation with the appropriate board or boards of elections. The election shall be held within the sanitary district and the city or town on the question of merger;
- (3) The county board or boards of commissioners shall request the appropriate board or boards of elections to hold and conduct the

1 election. All voters of the city or town and the sanitary district shall be
2 eligible to vote;
3 (4) Notice of the election shall be given as required in G.S. 163-33(8);
4 (5) The board or boards of elections shall provide ballots for the election
5 in substantially the following form:
6 "[] FOR merger of the Town of and the Sanitary
7 District, if a majority of the registered voters vote in favor of merger,
8 the area to be known as the Town of and to assume all of
9 the obligations of the Sanitary District and to receive from the Sanitary
10 District all the property rights of the District.
11 [] AGAINST merger."
12 (6) A majority of all the votes cast is necessary for the merger of a
13 sanitary district with the city or town. The merger shall be effective on
14 July 1 following the election. If a majority of the votes cast is not in
15 favor of the merger, an election on merger may not occur until one
16 year from the date of the last election.
17 (7) Upon the merger of a sanitary district and a city or town pursuant to
18 this section, the city or town shall assume all obligations of the
19 sanitary district and the sanitary district shall convey all property rights
20 to the city or town. The vote for merger shall include a vote for the city
21 or town to assume the obligations of the district. The sanitary district
22 shall cease to exist as a political subdivision from and after the
23 effective date of the merger; and
24 (8) If merger is approved, the governing board of the city or town shall
25 determine the proportion of the district's indebtedness, if any, which
26 was incurred for the construction of water systems and the proportion
27 which was incurred for construction of sewage disposal systems. The
28 governing board shall send a certified copy of the determination to the
29 Local Government Commission in order that the Commission and the
30 governing body of the merged municipality can determine the net debt
31 of the merged municipality as required by G.S. 159-55."

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