

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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SENATE BILL 85

Short Title: Ordinance First Reading Vote. (Public)

Sponsors: Senator Clodfelter (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

February 14, 2013

A BILL TO BE ENTITLED

AN ACT TO CONFORM AND MODIFY THE STATUTES ON INITIAL VOTES BY CITY
AND COUNTY GOVERNING BOARDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-45 reads as rewritten:

"§ 153A-45. Adoption of ordinances.

To be adopted at the meeting at which it is first introduced, an ordinance or any action having the effect of an ordinance (except the budget ordinance, any bond order, or any other ordinance on which a public hearing must be held before the ordinance may be adopted) ~~adopted~~, but to qualify for any of these three exceptions the public hearing must have been held at least seven calendar days before the vote) must receive the approval of all the members of the board of commissioners. If the ordinance is approved by a majority of those voting but not by all the members of the board, or if the ordinance is not voted on at that meeting, it shall be considered at the next regular meeting of the board. If it then or at any time thereafter within 100 days of its introduction receives a majority of the votes cast, a quorum being present, the ordinance is adopted."

SECTION 2. G.S. 160A-75 reads as rewritten:

"§ 160A-75. Voting.

(a) No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e1). In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

(b) An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue, including the mayor's vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city.

(c) Notwithstanding the provisions of subsection (b) of this section, to be adopted at the meeting at which it is first introduced, an ordinance or any action having the effect of an ordinance (except the budget ordinance, any bond order, or any other ordinance on which a public hearing must be held before the ordinance may be adopted, but to qualify for any of these three exceptions the public hearing must have been held at least seven calendar days



1 before the vote) must receive the approval of all the members of the council, not including the
2 mayor unless the mayor has the right to vote on all questions before the council. If the
3 ordinance is approved by a majority of those voting but not by all the members of the council,
4 or if the ordinance is not voted on at that meeting, it shall be considered at the next regular
5 meeting of the council. If it then or at any time thereafter within 100 days of its introduction
6 receives a majority of the votes cast, a quorum being present, the ordinance is adopted. In
7 addition, no ordinance nor any action having the effect of any ordinance may be finally adopted
8 on the date on which it is introduced except by an affirmative vote equal to or greater than two
9 thirds of all the actual membership of the council, excluding vacant seats and not including the
10 mayor unless the mayor has the right to vote on all questions before the council. For purposes
11 of this section, an ordinance shall be deemed to have been introduced on the date the subject
12 matter is first voted on by the council."

13 **SECTION 3.** This act is effective with respect to votes taken on or after January 1,
14 2014.