

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 958
Committee Substitute Reported Without Prejudice 6/18/09

Short Title: Incorporate Fontana Dam.

(Local)

Sponsors:

Referred to:

April 1, 2009

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF FONTANA DAM.

The General Assembly of North Carolina enacts:

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

"CHARTER OF THE TOWN OF FONTANA DAM.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

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

"ARTICLE II. CORPORATE BOUNDARIES.

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

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

"ARTICLE III. GOVERNING BODY.

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

"Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial election in 2009 provided for by Section 4.2 of this Charter, Tammy Dees is appointed Mayor 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 2009.

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 Council but shall have no right to break a tie vote in which the Mayor
15 has participated. In the case of a vacancy in the office of Mayor, the remaining members of the
16 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 2009 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 in November
30 2009. Notwithstanding G.S. 163-294.2, the filing period for the Mayor and Town Council of
31 Fontana Dam for the 2009 municipal election shall open at 12:00 noon on the first Friday in
32 August and shall close at 12:00 noon on the third Friday in August.

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

35 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

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

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

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

45 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

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

50 "Section 6.2. **Commencement of Tax Collection.** From and after July 1, 2009, the citizens
51 and property in the Town of Fontana Dam shall be subject to municipal taxes levied for the

1 year beginning July 1, 2009, and for that purpose the Town shall obtain from Graham County a
2 record of property in the area herein incorporated which was listed for property taxes as of
3 January 1, 2009.

4 "Section 6.3. **Budget.** The Town may adopt a budget ordinance for fiscal year 2009-2010
5 without following the timetable in the Local Government Budget and Fiscal Control Act but
6 shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year
7 2009-2010, ad valorem taxes may be paid at par or face amount within 90 days of adoption of
8 the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360 as if the
9 taxes had been due and payable on September 1, 2009.

10 "ARTICLE VII. ORDINANCES.

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

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