Short Title:	Ordinance First Reading Vote.	(Public)
Sponsors:	Senator Clodfelter.	
Referred to:		

1   A BILL TO BE ENTITLED
2 AN ACT TO CONFORM AND MODIFY THE STATUTES ON INITIAL VOTES BY CITY
3   AND GOVERNING BOARDS.
4 The General Assembly of North Carolina enacts:
5   **SECTION 1.** G.S. 153A-45 reads as rewritten:
6 "**§ 153A-45. Adoption of ordinances.**
7   To be adopted at the meeting at which it is first introduced, an ordinance or any action
8 having the effect of an ordinance (except (i) the budget ordinance, (ii) any bond order, or (iii)
9 any other ordinance on which a public hearing must be held before the ordinance may be
10 adoptedadopted, but to qualify for any of these three exceptions the public hearing must have
11 been held at least seven calendar days before the vote) must receive the approval of all the
12 members of the board of commissioners. If the ordinance is approved by a majority of those
13 voting but not by all the members of the board, or if the ordinance is not voted on at that
14 meeting, it shall be considered at the next regular meeting of the board. If it then or at any time
15 thereafter within 100 days of its introduction receives a majority of the votes cast, a quorum
16 being present, the ordinance is adopted."
17   **SECTION 2.** G.S. 160A-75 reads as rewritten:
18 "**§ 160A-75. Voting.**
19   (a)   No member shall be excused from voting except upon matters involving the
20 consideration of the member's own financial interest or official conduct or on matters on which
21 the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e1). In all
22 other cases, a failure to vote by a member who is physically present in the council chamber, or
23 who has withdrawn without being excused by a majority vote of the remaining members
24 present, shall be recorded as an affirmative vote. The question of the compensation and
25 allowances of members of the council is not a matter involving a member's own financial
26 interest or official conduct.
27   (b)   An affirmative vote equal to a majority of all the members of the council not
28 excused from voting on the question in issue, including the mayor's vote in case of an equal
29 division, shall be required to adopt an ordinance, take any action having the effect of an
30 ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize
31 any contract on behalf of the city.
32   (c)   Notwithstanding subsection (b) of this section, to be adopted at the meeting at which
33 it is first introduced, an ordinance or any action having the effect of an ordinance (except (i) the
34 budget ordinance, (ii) any bond order, or (iii) any other ordinance on which a public hearing
35 must be held before the ordinance may be adopted, but to qualify for any of these three

1 exceptions the public hearing must have been held at least seven calendar days before the vote)
2 must receive the approval of all the members of the governing board, not including the mayor
3 unless the mayor has the right to vote on all questions before the council. If the ordinance is
4 approved by a majority of those voting but not by all the members of the board, or if the
5 ordinance is not voted on at that meeting, it shall be considered at the next regular meeting of
6 the board. If it then or at any time thereafter within 100 days of its introduction receives a
7 majority of the votes cast, a quorum being present, the ordinance is adopted. ~~In addition, no~~
8 ~~ordinance nor any action having the effect of any ordinance may be finally adopted on the date~~
9 ~~on which it is introduced except by an affirmative vote equal to or greater than two thirds of all~~
10 ~~the actual membership of the council, excluding vacant seats and not including the mayor~~
11 ~~unless the mayor has the right to vote on all questions before the council.~~ For purposes of this
12 section, an ordinance shall be deemed to have been introduced on the date the subject matter is
13 first voted on by the council."
14   **SECTION 3.** This act becomes effective with respect to votes on or after January
15 1, 2012.