



HOUSE BILL 393: Mebane Charter/Alamance-Burl BOE Exchange.

2017-2018 General Assembly

Committee:	Senate Finance. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 20, 2017
Introduced by:	Reps. Ross, Riddell	Prepared by:	Cindy Avrette
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *House Bill 393 would do the following:*

- *Revise and consolidate the Charter of the City of Mebane and would become effective when it becomes law.*
- *Authorize the Alamance-Burlington Board of Education to dispose of certain real property by private sale or exchange. The Senate State and Local Government Committee added this section to the bill.*

MEBANE CHARTER CONSOLIDATION: The City of Mebane, located partly in Alamance and partly in Orange County, was incorporated as a town by the General Assembly in 1883. In 1907 and again in 1973, various intervening Session Laws applicable to the City of Mebane were consolidated into a revised Charter. In 1987 the town amended its charter pursuant to G.S. 160A-101 to change the style of the corporate name from "Town" of Mebane to "City" of Mebane. In 2006, the General Assembly granted the City authority to maintain sidewalks located in its extraterritorial planning jurisdiction (ETJ).

The City uses a council-manager form of government with a Mayor and five Council members elected at large during odd numbered years using the nonpartisan plurality method of G.S. 163-292 to serve four year, staggered terms. In 2017, three Council members will be elected. In 2019, a Mayor and two Council members will be elected.

Sections 1-10 of House Bill 393 would consolidate into the Charter prior Session Laws pertaining to the City of Mebane and make additional general revisions to the Charter.

Specifically, House Bill 393 would:

- Incorporate into the Charter the corporate name "City" of Mebane.
- Specify action to be taken regarding the official map of the City upon alteration of corporate boundaries.
- Incorporate into the Charter the provisions of S.L. 2006-10 giving the City authority to maintain sidewalks in its ETJ.
- Update language for water and sewer improvements.
- Exempt the City from G.S. 160A-58.1(b)(5) which requires satellite annexations to be no more than 10% of an annexing city's primary corporate limits.¹
- Allow the City Council to, by ordinance, authorize the City Manager to settle claims against the City.
- Make other conforming changes regarding the impact of the bill on prior acts, laws, or ordinances.
- Contain a severability clause providing that the invalidity of one provision of this act shall not affect the remaining provisions otherwise valid.

¹ The General Assembly has exempted 104 other municipalities from G.S. 160A-58.1(b)(5).

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House Bill 393

Page 2

ALAMANCE-BURLINGTON BOARD OF EDUCATION EXCHANGE: Section 11 of the bill would allow Alamance-Burlington Board of Education to convey, sell, or transfer 18.35 acres on which is located the Elon Elementary School through a private negotiation and sale. Under the bill, the Board of Education would be required to adopt a resolution at a regular board meeting upon 10 days' public notice. The agreement may provide for an exchange for other property, payment of monetary consideration, or both. The agreement may provide that the other party to the agreement may construct a new school on property acceptable to the Board of Education.

The Elon Elementary school is virtually surrounded by the Elon University campus. The University has confirmed its desire to purchase the property for consideration that would be in excess of the fair market value of the property. The Board of Education adopted a resolution requesting this authority on June 19, 2017. The authority granted to the Alamance-Burlington Board of Education by Section 11 of this bill is limited to the 18.35 acres on which the Elon Elementary School is located.

EFFECTIVE DATE: The bill becomes effective when it becomes law.

Staff attorneys Greg Roney and Billy Godwin with the Legislative Analysis Division substantially contributed to this summary.