

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 774

Short Title: Durham City Manager Powers.

(Local)

Sponsors: Senators Gulley; and Hunt.

Referred to: Local Government and Regional Affairs.

April 8, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO MAKE, APPROVE, AWARD, AND EXECUTE SERVICE CONTRACTS AND MAKE CONTRACTS FOR THE PURCHASE OF APPARATUS, SUPPLIES, EQUIPMENT AND MATERIAL.

The General Assembly of North Carolina enacts:

Section 1. Section 17 of the Charter of the City of Durham, being Chapter 671, Session Laws of 1975, as amended by Chapter 1249, Session Laws of 1979, Chapter 694, Session Laws of 1981, and Chapters 532 and 617, Session Laws of 1991, reads as rewritten:

"Sec. 17. Powers and Duties of the City Manager.—The City Manager shall be responsible to the City Council for the efficient administration of all the affairs of the City under his direction and control. It shall be his duty to attend all meetings of the City Council, with the right to take part in the discussion, but without a vote. He shall be entitled to notice of all special meetings. He shall recommend to the City Council from time to time such measures as he shall deem necessary, and shall furnish the City Council with necessary information respecting any of the departments of the City under his direction and control. The City Manager shall not be personally interested in any contract in which the City is a party for supplying the City materials of any kind.

The City Manager shall have power, and it shall be his duty, to see that the laws and ordinances of the City are enforced.

He shall have power and authority to revoke licenses, pending action by the City Council.

1 Except as otherwise provided in this Charter, the City Manager shall have power to
2 appoint and remove all heads of departments and all subordinate officers and employees
3 of the City. He shall, except when clearly inconsistent with the provisions of this
4 Charter, exercise supervision and control over all departments and divisions created
5 herein, or that hereafter may be created by the City Council. He shall see that all terms
6 and conditions imposed in favor of the City or its inhabitants in any public utility
7 franchise are faithfully kept and performed, and upon knowledge of any violation
8 thereof, he shall call the attention of the City Council and the City Attorney to the same.
9 He shall make and execute all contracts on behalf of the City in such manner as is
10 authorized or provided by resolutions or ordinances passed by the City Council. He
11 shall prepare and submit to the City Council a proposed annual budget, after receiving
12 estimates made by the heads or directors of departments or by any board officer, or
13 commissioner not within a department. He shall keep the City Council at all times
14 advised as to the financial needs and condition of the City. He shall from time to time
15 make oral and written reports to the City Council of the condition and efficiency of the
16 various departments of the City government under his direction and control. The
17 Council may in its discretion cause such written reports to be published for the
18 information of citizens. The City Manager shall perform such other duties as may be
19 prescribed by this Charter, or be required of him by ordinance or resolution of the City
20 Council.

21 The City Manager shall not engage in political campaigns for elective office, nor
22 attempt to influence the result of such campaigns, except by exercising his right to vote.
23 Improper campaign activity as described herein by the City Manager shall be a cause for
24 his immediate suspension or removal from office.

25 The City Council may delegate authority to the City Manager to purchase real
26 property or any interest in real property, provided:

- 27 (1) The money for the purchase of such real property or interest in real
28 property is available in the then current budget; and
- 29 (2) The City Manager, within 45 days following the purchase, shall submit
30 to the City Council a written report setting forth the names of the
31 persons from whom such property or property interest is purchased, a
32 general description of the property or interest in property acquired, the
33 purchase price paid therefor, and the intended use of the property or
34 interest in property.

35 The City Council may authorize the City Manager to make, approve, award, and
36 execute any contract for ~~the purchase of apparatus, supplies, materials, or equipment and any~~
37 ~~contract for construction or repair work~~ provided:

- 38 (1) The amount of the contract shall not exceed fifty thousand dollars
39 (\$50,000);
- 40 (2) The City Manager shall, within 45 days of the award of such contract,
41 report such award to the City Council, provided however, contracts in
42 an amount less than an amount prescribed by the City Council need
43 not be reported;

1 (3) The City Manager shall comply with all applicable provisions of
2 Article 8 of Chapter 143 of the General Statutes, and of Section 84 of
3 this Charter. The City Manager may take any action that the City
4 Council is required or authorized to take under Article 8 of the Chapter
5 143 of the General Statutes in making, approving, awarding, or
6 executing such contracts.

7 The City Council may authorize the City Manager to make, approve, award, and
8 execute any contract for services and any contract for the purchase of apparatus,
9 supplies, materials, or equipment, provided however, that the City Council has
10 appropriated a sufficient amount of funds in the current year's budget for the contract.
11 The City Manager shall comply with all applicable provisions of Article 8 of Chapter
12 143 of the General Statutes, and of Section 84 of this Charter. The City Manager may
13 take any action that the City Council is required or authorized to take under Article 8 of
14 Chapter 143 of the General Statutes in making, approving, awarding, or executing such
15 contracts."

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