

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 542
HOUSE BILL 928

AN ACT CONCERNING THE LEXINGTON UTILITIES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Section 7.2.1 of the Charter of the City of Lexington, being Chapter 906, Session Laws of 1981, as rewritten by Chapter 64, Session Laws of 1987, reads as rewritten:

"1. Creation; composition; terms.

A.. A commission to be known as the Lexington Utilities Commission is established. The Commission shall be composed of ~~eight-nine~~ members. Six members shall be residents of the respective electoral wards, one member must be a utility customer of the City of Lexington who resides outside the city limits of the City of Lexington but inside Davidson County, and two at-large members may reside anywhere in the city. ~~Appointments for all eight seats on the Commission shall be made at the first regular meeting of the City Council in December 1987, or as soon thereafter as possible. Appointments for the two at large seats and for Ward 1 shall be for terms of three years. Appointments for Wards 2, 3 and 4 shall be for terms of two years. Appointments for Wards 5 and 6 shall be for terms of one year. the two at-large seats and for Ward 1 shall continue their term of office until December 1990. Appointments for Wards 2, 3, and 4 shall be made in December 1989; appointments for Wards 5 and 6 shall continue their terms until 1991; and a person who resides outside the corporate limits of the City of Lexington but inside Davidson County shall be appointed for a term to expire in December 1991. All appointments made thereafter as terms expire shall be for terms of three years. No person shall be eligible for reappointment who has previously served two consecutive three-year terms, until one year after the expiration of the last term served.~~

B. Terms shall expire at the first regular meeting of the City Council in December of each respective year. As the term of each of the members of the Commission expires, a successor shall be appointed by the City Council as provided in Part A of this section for a term of three years. The City Council shall fill vacancies on the Commission occurring otherwise than by expiration of term, by appointment for the remainder of the unexpired term. All appointments shall be by majority vote of the membership of the City Council.

C. If a member of the Utilities Commission establishes a residence outside of the City or outside of the electoral ward from and for which he was appointed, or if the member who is not a resident of the City shall move outside of Davidson County, then

this shall be grounds for removal as a member of the Utilities Commission by action of the City Council."

Sec. 2. Section 7.2.2 of the Charter of the City of Lexington, being Chapter 906, Session Laws of 1981, reads as rewritten:

"2. Qualifications of Commissioners. The members of the Commission shall be residents of the City of Lexington, except for the member to be appointed outside of the City, and shall be citizens of recognized ability and good business judgment and standing who, in the opinion of the City Council can and will perform their official duties to the best interest of the City and its inhabitants."

Sec. 3. Section 7.2 of the Charter of the City of Lexington, being Chapter 906, Session Laws of 1981, is amended by adding a new paragraph to read:

"9a. Appeals. Any appeals from the final decision of the Lexington Utilities Commission with regard to decisions concerning the operation of the various systems, including terminations of service for nonpayment and other reasons, and alleged violations of sewer use and surcharge regulations, and revocation of water and sewer permits, shall be appealed by way of **certiorari** to the General Court of Justice, Superior Court Division of Davidson County."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 30th day of June, 1989.