

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 795

Short Title: Durham Contracts.

(Local)

Sponsors: Representatives Luebke and Michaux.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

1 AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW
2 THE CITY COUNCIL TO AUTHORIZE ASSISTANT AND DEPUTY CITY
3 MANAGERS TO EXECUTE CONTRACTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 17 of the Charter of the City of Durham, being Chapter 671
6 of the 1975 Session Laws, as amended, reads as rewritten:

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

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

18 He shall have power and authority to revoke licenses, pending action by the City
19 Council.
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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 thereof,
8 he shall call the attention of the City Council and the City Attorney to the same. He shall
9 make and execute all contracts on behalf of the City in such manner as is authorized or
10 provided by resolutions or ordinances passed by the City Council. The Council may, on
11 such terms as it deems proper, allow the City Manager to authorize one or more Assistant
12 City Managers and Deputy City Managers to make and execute contracts. He shall
13 prepare and submit to the City Council a proposed annual budget, after receiving
14 estimates made by the heads or directors of departments or by any board officer, or
15 commissioner not within a department. He shall keep the City Council at all times
16 advised as to the financial needs and condition of the City. He shall from time to time
17 make oral and written reports to the City Council of the condition and efficiency of the
18 various departments of the City government under his direction and control. The Council
19 may in its discretion cause such written reports to be published for the information of
20 citizens. The City Manager shall perform such other duties as may be prescribed by this
21 Charter, or be required of him by ordinance or resolution of the City Council.

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

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

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

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

- 39 (1) The amount of the contract shall not exceed one hundred thousand
40 dollars (\$100,000);
- 41 (2) The City Manager shall, within 45 days of the award of such contract,
42 report such award to the City Council, provided however, contracts in

1 an amount less than an amount prescribed by the City Council need not
2 be reported;

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

9 Section 2. This act is effective when it becomes law.