

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 806  
HOUSE BILL 1508

AN ACT TO AMEND THE CHARTER OF THE CITY OF LEXINGTON.

The General Assembly of North Carolina enacts:

Section 1. Section 7.2 of the Charter of the City of Lexington, being Section 1 of Chapter 906, Session Laws of 1981, is amended as follows:

(1) Paragraph 3 is rewritten to read:

"3. Duties of Commission. The Commission shall act as an advisory body to the City Council in fixing rates and other charges concerning the public enterprises operated by the City. The Commission shall keep the City Council and City Manager fully informed as to the general operations of the various systems and make appropriate recommendations. The Commission shall also hear citizen concerns and grievances, and hear and finally determine controversies concerning operation of the various systems, such as potential termination of service for nonpayment or other reasons, alleged violations of sewer use or surcharge regulations, and revocation of water and sewer permits, if those matters have not been resolved to the satisfaction of the parties at the administrative level. The Commission shall also perform such other duties as the Council may direct."

(2) Paragraph 4, entitled "Organization," is amended by deleting the word "election" in the second line and substituting the word "appointment".

(3) Paragraph 5 is rewritten to read:

"5. Records. The Commission shall keep full and accurate records of all meetings held and official action taken."

(4) Paragraph 6, entitled "Fiscal Procedures," is rewritten to read:

"6. Fiscal Procedures. The financial practices and operations of the public enterprises shall be in accordance with the Local Government Budget and Fiscal Control Act and the Local Government Bond Act contained in Chapter 159 of the General Statutes."

(5) Paragraph 7, entitled "Supervision of Electric Light, Water and Sewerage Plants," is rewritten to read:

"7. Operation of Public Enterprises. The City Manager, through his designees, shall be responsible for operation and management of the various systems, including supervision of personnel, and for implementation of policies set by the City Council. The Commission shall make studies and investigations as necessary to advise the City Council and City Manager in those responsibilities."

(6) Paragraph 8, entitled "Contract by Commission," is rewritten to read:

"8. Public Enterprise Contracts and Property. All contracts concerning public enterprises shall be made, ratified or authorized in the same manner as other contracts of the City of Lexington. Title to all public enterprise property shall be held by the City of Lexington."

(7) Paragraph 9, entitled "Proceeds of Bonds and Special Funds," is repealed.

(8) Paragraph 10, entitled "Power of Commission in Management of Property," is repealed.

(9) Paragraph 11, entitled "Power to Fix Rates and Rents," is repealed.

(10) Paragraph 12, entitled "Annual Budget," is rewritten to read:

"12. Budget Recommendations. The Commission shall make recommendations to the City Manager and City Council concerning the public enterprise budgets."

(11) Paragraph 13, entitled "Annual Report," is rewritten to read:

"13. Financial Reports. The Commission shall make financial reports to the City Manager and the City Council as appropriate."

(12) Paragraph 14, entitled "Salary of the Commission and Utilities Manager," is rewritten to read:

"14. Compensation. As compensation for their services, each member of the Commission shall be paid a salary established by action of the City Council."

(13) Paragraph 16, entitled "Appropriation of Revenues," is repealed.

(14) Paragraph 17, entitled "Powers of City," is repealed.

Sec. 2. The purpose of this act is to vest in the Lexington City Council and City Manager certain powers and duties previously vested in the Lexington Utility Commission. Those powers and duties shall be exercised and fulfilled in accordance with the general laws of North Carolina.

Sec. 3. This act shall not affect any rights or interests which arose under any provisions amended or repealed by this act.

Sec. 4. No action or proceeding pending on the effective date of this act by or against the City of Lexington or the Utility Commission shall be abated or affected by this act.

Sec. 5. This act shall become effective July 1, 1986, or upon ratification, whichever is later.

In the General Assembly read three times and ratified, this the 26th day of June, 1986.