

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 121
SENATE BILL 774

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.

Except as otherwise provided in this Charter, the City Manager shall have power to appoint and remove all heads of departments and all subordinate officers and employees of the City. He shall, except when clearly inconsistent with the provisions of this Charter, exercise supervision and control over all departments and divisions created herein, or that hereafter may be created by the City Council. He shall see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof, he shall call the attention of the City Council and the City Attorney to the same. He shall make and execute all contracts on behalf of the City in such manner as is authorized or provided by resolutions or ordinances passed by the City Council. He shall prepare and submit to the City Council a proposed annual budget, after receiving estimates made by the heads or directors of departments or by any board officer, or

commissioner not within a department. He shall keep the City Council at all times advised as to the financial needs and condition of the City. He shall from time to time make oral and written reports to the City Council of the condition and efficiency of the various departments of the City government under his direction and control. The Council may in its discretion cause such written reports to be published for the information of citizens. The City Manager shall perform such other duties as may be prescribed by this Charter, or be required of him by ordinance or resolution of the City Council.

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

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

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

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

- (1) The amount of the contract shall not exceed ~~fifty thousand dollars (\$50,000)~~; one hundred thousand dollars (\$100,000);
- (2) The City Manager shall, within 45 days of the award of such contract, report such award to the City Council, provided however, contracts in an amount less than an amount prescribed by the City Council need not be reported;
- (3) The City Manager shall comply with all applicable provisions of Article 8 of Chapter 143 of the General Statutes, and of Section 84 of this Charter. The City Manager may take any action that the City Council is required or authorized to take under Article 8 of ~~the~~ Chapter 143 of the General Statutes in making, approving, awarding, or executing such contracts."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 7th day of June,

1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives