

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 694*

Short Title: Greenville Utilities Commission.

(Local)

Sponsors: Representatives Jones (By Request) and Rogers.

Referred to: Public Utilities.

April 11, 1991

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE
GREENVILLE UTILITIES COMMISSION OF THE CITY OF GREENVILLE.

The General Assembly of North Carolina enacts:

Section 1. For the proper management of the public utilities of the City of Greenville, both within the corporate limits of the City and outside the said corporate limits, a commission to be designated and known as the "Greenville Utilities Commission," is hereby created and established; the Commission shall consist of seven members who shall be bona fide residents of the City, and who shall hold office for a term of three years and may be reappointed to a single additional term of two years expiring the first Thursday in March at the end of the designated term. The Commissioners otherwise than as herein provided shall be appointed by the City Council at their regular monthly meeting in March of each year. No person shall be eligible to appointment to said Commission who is an officer or employee of the City except that the City Manager of the City of Greenville shall at all times be a full member of the Utilities Commission. No person other than the City Manager shall be eligible to appointment to the Commission who is an officer or employee of the City. In the event a Commissioner resigns, dies or otherwise becomes incapable of performing his duties, the City Council shall appoint a Commissioner to fill the unexpired term at any regular or special meeting of the Council. The City Manager shall receive no pay as a member of the Commission in addition to his salary as City Manager.

Sec. 2. The Commissioners shall organize by electing one of their members Chairman, whose term of office as Chairman shall be for one year unless his term shall expire earlier, in which event his term as Chairman shall expire with his term. The

1 Chairman shall not be entitled to vote on any proposition before the Commission except
2 in case of a tie vote and only for the purpose of breaking the tie. The members of the
3 Utilities Commission are authorized to fix their own salaries, but not to exceed fifty
4 dollars (\$50.00) per month for the members and one hundred fifty dollars (\$150.00) per
5 month for the Chairman. The Commission shall meet at least once each month at as
6 designated time and place unless the Chairman designates some other meeting time and
7 so notifies the other members of the Commission.

8 Sec. 3. The Commission shall have entire supervision and control of the
9 management, operation, maintenance, improvement and extension of the public utilities
10 of the city, and shall fix uniform rates for all services rendered; provided, however, that
11 any person affected by said rates may appeal from the decision of the Commission as to
12 rates to the City Council. The said Commission shall have the authority to operate and
13 maintain a community antenna radio and television service within the area serviced by
14 the electric system of the Commission, provided such franchise is granted to the
15 Commission by the City of Greenville. Any contract in excess of five hundred thousand
16 dollars (\$500,000) must be approved by the City Council. In providing utility services
17 the Utilities Commission shall cooperate to the greatest extent possible with the City of
18 Greenville in establishing and maintaining joint operations to the end that efficiency and
19 cost savings may be realized.

20 Sec. 4. The Commission shall employ a competent and qualified General
21 Manager whose duties shall be to supervise and manage the said public utilities, subject
22 to the approval of the Commission. The General Manager, under the direction of and
23 subject to the approval of the Commission, shall cause the utilities to be orderly and
24 properly conducted; he shall provide for the operation, maintenance, and improvement
25 of utilities; he shall provide for the extension of utilities subject to the approval of the
26 Commission and the City Council, except that the City Council shall not be required to
27 approve electric extensions, and shall furnish, on application, proper connections and
28 service to all citizens and inhabitants who make proper application for the same, and
29 shall in all respects provide adequate service for the utilities to the customers thereof; he
30 shall attend to all complaints as to defective service and shall cause the same to be
31 remedied, and otherwise manage and control the utilities for the best interests of the
32 City of Greenville and the customers receiving service, and shall provide for the prompt
33 collection of all rentals and charges for service to customers and shall promptly and
34 faithfully cause said rentals and charges to be collected and received, all under such
35 rules and regulations as the Commission shall, from time to time, adopt, and in
36 accordance with the ordinances of the City in such case made and provided.

37 Sec. 5. All monies accruing from the charges or rentals of said utilities shall
38 be paid by the Commission to the Finance Director of the City of Greenville; and the
39 Finance Director shall keep a separate account of the same and make a monthly report
40 thereof to the City Council. The Commission shall at the end of each month make a
41 report to the City Council of its receipts and disbursements; the Commission shall pay
42 out of its receipts the cost and expense incurred in managing, operating, improving,
43 maintaining, and extending said utilities; provided, however, that should the funds
44 arising from the charges and rentals of said utilities be insufficient at any time to pay the

1 necessary expenses for managing, operating, improving, and extending said utilities,
2 then and in that event only, the City Council of the City of Greenville shall provide and
3 pay into its treasury for the account of the Commission a sum sufficient, when added to
4 the funds that have accrued from the rents and charges, to pay the costs and expenses of
5 managing, operating, improving, maintaining, and extending said utilities; the
6 Commission shall pay the principal on all such funds provided by the City Council with
7 interest thereon; provided, further, that the Utilities Commission shall annually transfer
8 to the City two and fifty-two one hundredths percent (2.52%) of gross sales on
9 electricity, gas, water and sewer services.

10 Sec. 6. The Commission shall approve the employment and remuneration of
11 all officers, agents, servant, independent contractors, and employees necessary and
12 requisite to manage, operate, maintain, improve, and extend the service of said utilities,
13 provided that effective July 1, 1992, the pay plan, personnel policies, and benefits
14 offered to such employees shall be the same as those for the City of Greenville. The
15 Commission may require bond in such sum as it may deem necessary, which shall be
16 approved by the City Council, of all officers, agents, and employees having authority to
17 receive money for the Commission. The Commission shall have the authority to name
18 and designate some competent person in its employment to act as secretary of said
19 Commission.

20 Sec. 7. The Commission shall have authority at all times to discharge and
21 remove any officer, agent, servant, independent contractor or employee of the
22 Commission whose attitude, conduct or services is not for the best interest of the
23 Commission and the City of Greenville.

24 Sec. 8. The Commission shall be responsible for providing electricity, water,
25 sewer, and gas services to the City of Greenville, specifically including street lighting,
26 traffic signal lighting, and electrical charges to City buildings, at wholesale purchased
27 power or manufactured cost. These costs shall be paid by the City of Greenville.

28 Sec. 9. Policies regarding the extension of utility services, and all utility
29 extension policies and utility extensions shall be approved by the Commission and the
30 City Council, except that the City Council shall not be required to approve electric
31 extensions.

32 Sec. 10. The first appointees to the Commission upon ratification of this act
33 shall hold their offices as follows: Patrick Kelly is appointed a commissioner to serve
34 until the first Thursday in March 1992; William G. Blount is appointed a commissioner
35 to serve until the first Thursday in March 1993; R. Richard Miller is appointed a
36 commissioner to serve until the first Thursday in March 1994; Kenneth Hammond is
37 appointed a commissioner to serve until the first Thursday in March 1994; John Hughes
38 is appointed a commissioner to serve until the first Thursday in March 1995; and
39 Catherine Darby is appointed a commissioner to serve until the first Thursday in March
40 1996.

41 Sec. 11. All acts in conflict with this act are repealed. The following acts,
42 having served the purposes for which they were enacted or having been consolidated
43 into this act, are expressly repealed:

44 Chapter 146, Public-Local Laws of 1941, except Section 8.

1 Chapter 801, Session Laws of 1953.

2 Chapter 569, Session Laws of 1967.

3 Chapter 152, Session Laws of 1969.

4 Chapter 355, Session Laws of 1979.

5 Sec. 12. The purpose of this act is to revise the Charter of the Greenville
6 Utilities Commission and to consolidate certain acts relating thereto. It is intended to
7 continue without interruption those provisions of prior acts which are expressly
8 consolidated into this act, so that all rights and liabilities which have accrued are
9 preserved and may be enforced.

10 Sec. 13. If any provision or application of this act is held invalid, such
11 invalidity shall not affect other provisions or applications of this act which can be given
12 effect without the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

14 Sec. 14. This act is effective upon ratification.