

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 447  
Second Edition Engrossed 5/4/95  
House Committee Substitute Favorable 6/8/95

Short Title: Eliminate Board Self-Appointments

(Public)

Sponsors:

Referred to:

March 21, 1995

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT BOARDS OF COUNTY COMMISSIONERS AND CITY COUNCILS FROM APPOINTING MORE THAN ONE OF THEIR OWN MEMBERS TO SERVE ON ANY PUBLIC BOARD OR COMMISSION EXCEPT WHERE A STATUTE REQUIRES A MEMBER OF THAT BOARD TO SERVE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-1.2 reads as rewritten:

"§ 128-1.2. Ex officio service by county and city representatives and officials.

(a) It is the common law rule that it is the policy of the law to secure the utmost freedom from personal interest in making appointments to public office, and it is contrary to public policy to permit an appointing body to appoint one of its own members to office in the absence of specific legislative authority.

(b) In recognition of the rule set out in subsection (a) of this section, except when:

(1) The law requires the appointment of a member of that governing board to an office;

(2) The office being appointed to is that of mayor, mayor pro tempore, chair of the board of commissioners, or vice-chair of the board of commissioners; or

1           (3) The office being appointed to has functions that are purely advisory in  
2           nature,  
3 the governing body of a city or the board of commissioners of a county may not appoint  
4 more than one of its own members to serve as a member of any public board or  
5 commission.

6           (c) Except when the resolution of appointment provides otherwise, whenever the  
7 governing body of a county or city appoints one of its own members or officials to  
8 another board or commission, the individual so appointed is considered to be serving on  
9 the other board or commission as a part of the individual's duties of office and shall not  
10 be considered to be serving in a separate office.

11           As used in this section, the term 'official' means (i) in the case of a county, the county  
12 manager, acting county manager, interim county manager, county attorney, finance  
13 officer, or clerk to the board and (ii) in the case of a city, the city manager, acting city  
14 manager, interim city manager, city attorney, finance officer, city clerk, or deputy clerk.  
15 As used in this section, the term 'city' has the meaning provided in G.S. 160A-1."

16           Sec. 2. This act is effective upon ratification and applies to appointments made  
17 on or after that date.