

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 358
HOUSE BILL 394

AN ACT REVISING ARTICLE 6A OF CHAPTER 153 OF THE GENERAL
STATUTES OF NORTH CAROLINA CONCERNING THE SALARIES OF
COUNTY OFFICERS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. Article 6A of Chapter 153 of the General Statutes of North Carolina, comprising Sections 153-48.1 through 153-48.5, inclusive, is repealed, and a new Article 6A is inserted in lieu thereof as follows:

"ARTICLE 6A

COUNTY OFFICERS AND EMPLOYEES

Section 153-48.1. Commissioners to fix salaries, fees, and number of employees. Each board of county commissioners is authorized and empowered to fix:

- (1) the number of salaried employees in the office of the sheriff, the register of deeds, and all other county offices and departments;
- (2) all salaries, allowances, and other compensation paid to all county officers and employees whether elected or appointed;
- (3) all fees and commissions charged by any county officer or employee for the performance of any service or duty permitted or required by law.

Section 153-48.2. Limitations on authority. The authority conferred by Section 153-48.1 shall be subject to the following limitations:

- (1) the compensation and allowances of the board of county commissioners shall be determined as provided by G.S. Section 153-13;
- (2) the board of commissioners shall have no authority to fix fees in the General Court of Justice or fees of the register of deeds prescribed by G.S. Section 161-10;
- (3) no salary, allowance, or other compensation being paid to any officer elected by the people shall be reduced prior to the expiration of the then current term of office, unless the officer shall agree to a reduction, or unless a reduction shall be ordered by the Director of Local Government pursuant to G.S. Chapter 159, Article 4;
- (4) in election years, any action fixing the salary or allowances of an officer to be elected by the people in that year shall be taken at least 14 days before the deadline for filing notice of candidacy for that office by resolution effective for the next succeeding fiscal year, which

resolution may not thereafter be altered until the newly elected or incumbent officer is sworn into office; an appropriation for the salary fixed in the resolution shall be included in the annual budget resolution for the fiscal year beginning July 1 of that year; and the filing fee for that office shall be determined by the salary to be effective as of July 1;

- (5) salaries of county employees subject to the State Personnel Act shall be fixed as provided in Chapter 126 of the General Statutes;
- (6) all salaries, fees, allowances, and other compensation shall be fixed and paid in accordance with the County Fiscal Control Act;
- (7) any action increasing the salaries of employees in any particular office or department by more than 20% as compared with the last preceding fiscal year may be taken only at the time of adoption of the annual budget resolution, and shall be separately published in some newspaper having a general circulation in the county as provided by G.S. Section 1-597.

Section 153-48.3. Special regulations pertaining to the sheriff and register of deeds. So long as the sheriff or register of deeds shall be elected by the people, the authority conferred by Section 153- 48.1 shall be subject to the following additional limitations insofar as it applies to the sheriff, the register of deeds, and to deputies, clerks, assistants, or other employees of the sheriff or the register of deeds:

- (1) the sheriff and register of deeds shall have the sole and exclusive right to hire, discharge, and supervise all employees in their respective offices, except that appointment by any sheriff or register of deeds of a relative by blood or marriage of closer relationship than first cousin or any person who has been previously convicted of a crime involving moral turpitude, shall be subject to approval by the board of county commissioners;
- (2) each sheriff and register of deeds shall be entitled to at least one deputy to be reasonably compensated by the board of county commissioners;
- (3) any action of the board of county commissioners reducing the salaries or allowances of the employees assigned to the sheriff or register of deeds, except reductions which apply alike to all county offices and departments, shall be subject to the approval of the sheriff or the register of deeds, as the case may be. If the sheriff or the register of deeds shall disapprove any such action by the board of county commissioners, the board shall meet with the officer and attempt to reach agreement. If no agreement can be reached, either party may refer the dispute to arbitration by the senior regular resident Superior Court judge of the district in which the county lies. The award shall be made within 30 days of the referral and shall extend to no more than two fiscal years, including the fiscal year in which rendered;

- (4) no salary being paid a sheriff or register of deeds pursuant to a local act of the General Assembly as of July 1, 1969, shall be reduced so long as the person incumbent on that date shall continue to hold the office he then holds.

All of the limitations of this Section, except that contained in subparagraph (2), shall also apply to any other elected officers of any county.

Sec. 2. Section 153-9(12a) of the General Statutes of North Carolina is repealed.

Sec. 3. All special, local and private acts fixing the number, salaries, fees, allowances, and other compensation of county officers and employees shall continue in full force and effect until superseded by action taken in accordance with the provisions of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are repealed to the extent of such conflict.

Sec. 5. This Act shall take effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.