

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2011-140
HOUSE BILL 516**

AN ACT TO AMEND THE CHARTER OF THE CITY OF MOUNT AIRY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5.1 of the Charter of the City of Mount Airy, being Section 1 of S.L. 2003-281, reads as rewritten:

"Section 5.1. **Appointment, qualifications; term; compensation; oath.**

(a) The Board shall appoint a City Manager in accordance with Article IV of this Charter who shall be the administrative head of all departments of City government. The City Manager shall be appointed with regard to merit only and need not be a resident of the City when appointed. The Board may require the City Manager to reside within the City during the Manager's tenure of office. No Board member may be appointed or act as City Manager during the term for which the member was elected or within one year after the expiration of the member's term.

(b) Unless otherwise agreed upon by the Board and the City Manager, if the City Manager is involuntarily removed by the Board, except for good and just cause, the City Manager shall be forthwith paid any unpaid balance of ~~salary, salary and~~ any accumulated and accrued job ~~benefits, benefits, and salary for the three calendar months following the day of termination or for such other period as may be agreed upon in advance.~~

(c) Before entering upon the duties of office, the City Manager shall take and subscribe an oath to perform faithfully the duties of the office."

SECTION 2. Section 5.3 of the Charter of the City of Mount Airy, being Section 1 of S.L. 2003-281, reads as rewritten:

"Section 5.3. **Manager's Personnel Authority; Role of Elected Officials.** As chief administrator, the City Manager shall have the power to appoint, suspend, and remove all officers, department heads, and employees in the administrative service of the City, except the City Attorney and any other official whose appointment or removal is specifically vested in the Board by this Charter or general law. Neither the Board nor any of its members shall take part in the appointment or removal of department heads and employees in the administrative service of the City, except as provided by this Charter. Except for the purpose of inquiry, or for consultation with the City Attorney, the Board and its members shall deal with the administrative service solely through the City Manager, an acting City Manager, or an Interim City Manager, and neither the Board nor any of its members shall give any specific orders to any subordinates of the City Manager, an acting City Manager, or an Interim City Manager, either publicly or privately. The Board may communicate with any employee in any manner not inconsistent with the provisions of this section."

SECTION 3. Article VI of the Charter of the City of Mount Airy, being Section 1 of S.L. 2003-281, reads as rewritten:

"ARTICLE VI. PUBLIC CONTRACTS.

"Section 6.1. **Award of Certain Contracts.**

(a) The City Manager may award, approve, and execute contracts or agreements of any kind or nature on behalf of the City when the amount of the contract or agreement does not



exceed one hundred thousand dollars (\$100,000) if the Board has approved the appropriation in the annual budget for the current fiscal year for the ~~general~~ purpose specified in the contract or agreement. In addition, the City Manager, or the City Manager's duly authorized designee appointed in accordance with Section 5.2(a) of this Charter, may approve and execute amendments to contracts or agreements, including contracts initially approved solely by the Board when the amount in question does not exceed one hundred thousand dollars (\$100,000).

(b) The City Manager, upon specific authorization by the Board, may award, approve, and execute contracts for the acquisition of or the construction and installation of water and sewer lines that will eventually become a part of the City utility system, regardless of the amount in question, where the construction and installation was or shall be the sole responsibility and expense of another person, firm, or corporation.

"Section 6.2. **Procedures.**

(a) The City Manager shall, at or before the next regular meeting of the Board, report within 45 days of the award of any contract described in Section 6.1 of this Charter, report such award to the Board. ~~Charter.~~ However, the City Manager shall not be required to report contracts in a minimum amount that may be set from time to time by the Board.

(b) In awarding, approving, and executing contracts described in this Article, the City Manager shall comply with all applicable provisions of this Charter and Article 8 of Chapter 143 of the General Statutes. The City Manager may take any action that the Board is required or authorized to take under Article 8 of Chapter 143 of the General Statutes in making, approving, awarding, or executing contracts."

SECTION 4. Article VII of the Charter of the City of Mount Airy, being Section 1 of S.L. 2003-281, reads as rewritten:

"ARTICLE VII. ACQUISITION OF PROPERTY.

"Section 7.1. **Delegation to City Manager.** The Board may delegate authority to the City Manager to purchase real property, any interest in real property, or personal property provided that: (i) the Board shall have approved the appropriation for the purchase in the annual budget for the current fiscal year; and (ii) at the next regular meeting of the Board, the City Manager ~~the City Manager, within 45 days following the purchase~~ shall submit to the Board a written report setting forth the names of the persons or entities from whom the real property or interest in real property was purchased, a general description of the property or interest in property acquired, the purchase price paid, and the intended use of the property or interest in property."

SECTION 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 15th day of June, 2011.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives