

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 774  
House Committee Substitute Favorable 5/24/93

Short Title: Durham City Manager Powers.

(Local)

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Sponsors:

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Referred to:

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April 8, 1993

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM TO  
2 AUTHORIZE THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER  
3 THE AUTHORITY TO MAKE, APPROVE, AWARD, AND EXECUTE SERVICE  
4 CONTRACTS AND MAKE CONTRACTS FOR THE PURCHASE OF  
5 APPARATUS, SUPPLIES, EQUIPMENT, AND MATERIAL.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. Section 17 of the Charter of the City of Durham, being Chapter  
9 671, Session Laws of 1975, as amended by Chapter 1249, Session Laws of 1979,  
10 Chapter 694, Session Laws of 1981, and Chapters 532 and 617, Session Laws of 1991,  
11 reads as rewritten:

12 "Sec. 17. **Powers and Duties of the City Manager.** – The City Manager shall be  
13 responsible to the City Council for the efficient administration of all the affairs of the  
14 City under his direction and control. It shall be his duty to attend all meetings of the  
15 City Council, with the right to take part in the discussion, but without a vote. He shall  
16 be entitled to notice of all special meetings. He shall recommend to the City Council  
17 from time to time such measures as he shall deem necessary, and shall furnish the City  
18 Council with necessary information respecting any of the departments of the City under  
19 his direction and control. The City Manager shall not be personally interested in any  
20 contract in which the City is a party for supplying the City materials of any kind.

21 The City Manager shall have power, and it shall be his duty, to see that the laws and  
22 ordinances of the City are enforced.

1 He shall have power and authority to revoke licenses, pending action by the City  
2 Council.

3 Except as otherwise provided in this Charter, the City Manager shall have power to  
4 appoint and remove all heads of departments and all subordinate officers and employees  
5 of the City. He shall, except when clearly inconsistent with the provisions of this  
6 Charter, exercise supervision and control over all departments and divisions created  
7 herein, or that hereafter may be created by the City Council. He shall see that all terms  
8 and conditions imposed in favor of the City or its inhabitants in any public utility  
9 franchise are faithfully kept and performed, and upon knowledge of any violation  
10 thereof, he shall call the attention of the City Council and the City Attorney to the same.  
11 He shall make and execute all contracts on behalf of the City in such manner as is  
12 authorized or provided by resolutions or ordinances passed by the City Council. He  
13 shall prepare and submit to the City Council a proposed annual budget, after receiving  
14 estimates made by the heads or directors of departments or by any board officer, or  
15 commissioner not within a department. He shall keep the City Council at all times  
16 advised as to the financial needs and condition of the City. He shall from time to time  
17 make oral and written reports to the City Council of the condition and efficiency of the  
18 various departments of the City government under his direction and control. The  
19 Council may in its discretion cause such written reports to be published for the  
20 information of citizens. The City Manager shall perform such other duties as may be  
21 prescribed by this Charter, or be required of him by ordinance or resolution of the City  
22 Council.

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

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

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

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

- 40 (1) The amount of the contract shall not exceed ~~fifty thousand dollars~~  
41 ~~(\$50,000);~~ one hundred thousand dollars (\$100,000);  
42 (2) The City Manager shall, within 45 days of the award of such contract,  
43 report such award to the City Council, provided however, contracts in

- 1                   an amount less than an amount prescribed by the City Council need  
2                   not be reported;
- 3           (3)    The City Manager shall comply with all applicable provisions of  
4                   Article 8 of Chapter 143 of the General Statutes, and of Section 84 of  
5                   this Charter. The City Manager may take any action that the City  
6                   Council is required or authorized to take under Article 8 of ~~the~~ Chapter  
7                   143 of the General Statutes in making, approving, awarding, or  
8                   executing such contracts."  
9           Sec. 2. This act is effective upon ratification.