

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 292

Short Title: Town Managers/Dual Office Holding.

(Public)

Sponsors: Representatives Hill, Redwine (Cosponsors); and Sutton.

Referred to: Judiciary II.

February 20, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD CONCURRENTLY APPOINTIVE AND ELECTIVE OFFICES UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-147 reads as rewritten:

"§ 160A-147. Appointment of city manager; dual office holding.

(a) In cities whose charters provide for the council-manager form of government, the council shall appoint a city manager to serve at its pleasure. The manager shall be appointed solely on the basis of his—the manager's executive and administrative qualifications. He—The manager need not be a resident of the city or State at the time of his appointment. The office of city manager is hereby declared to be an office that may be held concurrently with other appointive (but not elective) offices pursuant to Article VI, Sec. 9, of the Constitution.

(b) Notwithstanding the provisions of subsection (a), a city manager may serve on a county board of education which—that is elected on a non-partisan basis if the following criteria are met:

- (1) The population of the city by which the city manager is employed does not exceed 10,000;
(2) The city is located in two counties; and

1           (3)    The population of the county in which the city manager resides does not  
2                    exceed 40,000.

3           (c)    Notwithstanding the provisions of subsection (a), a city manager may hold  
4 elective office if the following criteria are met:

5                   (1)    The population of the city by which the city manager is employed does  
6                            not exceed 3,000.

7                   (2)    The city manager is an elected official of a city other than the city by  
8                            which the city manager is employed.

9           (d)    For the purposes of this section, the population figures shall be according to  
10 the latest United States decennial figures issued at the time the second office is assumed.  
11 If census figures issued after the second office is assumed increase the city or county  
12 population beyond the limits of this subsection, section, the city manager may complete  
13 the term on the county board of education which he of elected office that the city manager is  
14 then serving."

15           Section 2. This act is effective when it becomes law.