



CHARTER

§ 6.1

CHAPTER VI. PUBLIC WORKS COMMISSION

Sec. 6.1. Commission continued; election and term of members; vacancy.

A commission of the City of Fayetteville to be known as the "public works commission" as heretofore created, established and now existing, is hereby continued and the number of members shall increase, effective July 1, 1981, to four (4). The terms of office of the current members shall each be expanded for an additional year, with each term expiring four (4) years from the date which the appointment was originally made. A new appointment shall be made in June of 1981, and it shall be for a term of four (4) years. As each appointment expires, the city council shall, at its regular meeting in June of each year, elect a member of said commission for a term of four (4) years to replace the expiring member.

(Session Laws 1981, Ch. 756, § 2)

**Editor's note*—Session Laws 1983, Chapter 244, § 1, provided for the repeal of Ch. 5, Art. 2 of the Charter, which provided for a civil service commission for the city. Formerly, Ch. V, Art. 2, §§ 5.2—5.20 had been derived from Session Laws 1979, Ch. 557, § 1 and Session Laws 1981, Ch. 756, § 1.

Sec. 6.2. Qualifications of commissioners.

The members of said commission shall be resident freeholders and taxpayers of the City of Fayetteville, and shall be persons of recognized ability and good business judgment and standing who, in the opinion of the city council, can and will perform their official duties to the best interest of said city and its inhabitants.

Sec. 6.3. Duties of commission.

Said commission shall have full charge and control and the general supervision and management of the electric utility plant, the waterworks and sewerage, and shall collect all rents and profits accruing therefrom and shall make all disbursements on account of the same.

Sec. 6.4. Organization; chairman, secretary, and treasurer.

The members of the commission shall meet as soon after their election as possible, and shall elect out of their number a chairman, secretary, and treasurer, each of whom shall be a different person. The duties of each shall be such as is prescribed by said commission from time to time, not inconsistent with the provisions of this act.

Sec. 6.5. Records and accounts.

Said commission shall keep a full and complete record of all meetings held and official action taken, and of all other transactions, items and facts, necessary to the proper and intelligent conduct of the business affairs, and shall keep a separate account of each item of property under their control, showing in detail the income from each, the disbursements on account of each, and the net income or loss on each of the same.

Sec. 6.6. Receipts and disbursements.

All funds handled by said commission shall be paid over to the treasurer thereof, and all disbursements by said commission shall only be made by order upon the treasurer, signed by the secretary and countersigned by the chairman thereof, and all orders shall state for what object the same is drawn, and a record shall be kept of all such orders.

Sec. 6.7. Supervision of electric light, water and sewerage plants.

Said commission shall have charge of and control over, and shall supervise the construction, repairing, alteration or enlargement of the electric light plant, the waterworks plant and the sewerage plant with power and authority to make all necessary contracts relating to the same, including the purchase of all necessary sites, machinery, supplies and other property and the employment of necessary labor and other help in said construction, repairing, alteration or enlargement but no appropriation of moneys or expenditures or contracts in excess of ten thousand dollars (\$10,000.00) shall be made by the said commission until the same shall have been approved by the city council provided no such appropriation, expenditure or contract shall be approved on the date on which it is submitted except by an affirmative vote equal to or greater than two-thirds of the members of the council.

Sec. 6.8. Contracts; title to property.

No contract shall be entered into by said commission without the concurrence of at least two (2) members thereof, and all contracts made by said commission, required to be in writing, shall be in the name of the City of Fayetteville, signed by the chairman and attested by the secretary of the said commission and sealed with the corporate seal of the said city. The title to all property under the management and control of said commissioners shall be and remain in the City of Fayetteville, and the title to all property purchased or acquired by said commission shall vest in said city; provided, that nothing in this act shall be construed as conferring upon said commission any power or authority to convey title to any public utilities, buildings, or other real property under their management and control.

Sec. 6.9. Proceeds of bonds and special funds to be paid to treasurer; disbursement.

The proceeds from the sale of any bonds, and all other special funds to be used in the construction, repairing, alteration or enlargement of any public utilities, building or other property mentioned in Section 6.7, shall be paid over to the treasurer of said commission, who shall disburse the same as provided in this act.

Sec. 6.10. Powers of commission in management of property.

Said commission is hereby fully authorized and empowered to make all necessary contracts in the property management of said public utilities and other property under its management and control, and to employ and discharge all necessary superintendents, clerks, accountants, laborers, artisans and other help in said management; to prescribe the duties and fix the salaries of each, and to require such bonds of each as said commission may deem proper to the successful management of said property.

Sec. 6.11. Rates and rents.

Said commission is hereby fully authorized and empowered to fix all rates, rents for water, light and sewage, scales, and all other public property under their control, subject to the limitations fixed in any franchise heretofore granted or which may hereafter be granted for the same. All such rates and rents shall be established upon such terms and conditions as said commission shall deem for the best interest of the city.

Sec. 6.12. Monthly reports; special reports.

Said commission shall render a full report to the city council of the City of Fayetteville, not later than the second Monday of each month, and shall pay over to the treasurer of said city all balances in excess of necessary expenses and disbursement to said date, as shown by said report. Said report shall show among other things:

- (1) The several items of public property under the control and charge of said commission, the value of same, and the floating and bonded indebtedness outstanding against the same;

- (2) The amount received from each item of public property, and the amount disbursed on account of same, separately;
- (3) All amounts received and disbursed on account of construction, repairing, alteration or enlargement of said property;
- (4) The physical condition of the property;
- (5) The amount of insurance carried upon said property;
- (6) The names of all delinquents to said city, three (3) months or more in arrears, and the amount of such delinquency; and
- (7) All other facts, items and information pertaining to the condition and management of said property.

Said commission shall also furnish to the city council of said city such additional and special reports as the said council may request from time to time.

Sec. 6.13. Annual report.

At the end of each fiscal year said commission shall publish a complete report for the year, which shall include all financial operations of said commission during the year, and all items, facts and information required by the provisions of this chapter to be reported monthly to the said city council.

Sec. 6.14. Bonds of chairman, secretary and treasurer.

The chairman and secretary of said commission shall each give bond to the City of Fayetteville in the sum of one thousand dollars (\$1,000.00) each, and the treasurer of said commission shall give bond in double the amount of any funds in his hands. All bonds required by this section shall be filed with the city clerk.

Sec. 6.15. Compensation.

The members of said commission shall receive a salary as set by the council on an annual basis.

Sec. 6.16. Audit of books and accounts.

At the end of each fiscal year the books, accounts and records of said commission shall be audited by the city council.

Sec. 6.17. Neglect of duty by member.

If any member of said commission shall willfully neglect or fail to perform any duty required by the provisions of this chapter, or required by any rule or regulation made by said commission in pursuance of the authority contained in said act, he shall be guilty of a misdemeanor, and upon conviction shall be removed from office by the city council.

Sec. 6.18. Budget.

Said commission shall cause to be prepared and published in a newspaper published in Cumberland County a budget in the same manner as is required of the city council.

Sec. 6.19. Sale of electricity, water and sewer [service] in Cumberland County.

The public works commission of the City of Fayetteville is hereby authorized and empowered to extend its electric system, water system and sewerage system anywhere in Cumberland County, and to sell water, sewer service, and electricity anywhere in Cumberland County.

Sec. 6.20. Retirement system.

The city council of the City of Fayetteville is authorized to establish by ordinance an actuarially sound retirement system for the payment of retirement benefits to the employees of the public works commission. The city council is authorized to appoint a board of trustees and to delegate to the board of trustees such powers and duties as may be deemed necessary to administer the retirement fund; however, if a board of trustees is appointed, they shall employ an actuary and designate a trustee for the investment, care, or administration of the funds of the retirement system.

Any retirement system established by the city council for the employees of the Fayetteville Public Works Commission shall be jointly financed by employee contributions and appropriations from the funds of the public works commission and shall be maintained on a solvent actuarial reserve basis for all benefits at the date of the establishment of the fund, excepting the present value of benefits based on prior service. The contributions of the Fayetteville Public Works Commission shall be sufficient to fund the liability for such prior service in not more than thirty (30) years from the date of the establishment of such fund.

Any retirement system heretofore created for the employees of the Fayetteville Public Works System and in existence on the date of the ratification of this act shall continue in existence and remain in full force and effect after the date of the ratification of this act, the intent herein being to continue any existing retirement system under the same established requirements and criteria stated herein.

Sec. 6-21. Investment authority.

In addition to the authority granted in G.S. 159-30, the Public Works Commission may invest and reinvest any of the Commission's employee benefit funds held in trust, risk reserve funds, and capital reserves, as designated from time to time by the Commission, in one or more of the types of securities or other investment authorized by State law for the State Treasurer in G.S. 147-69.2(b)(1)—(6) and (8).
(Session Laws 2008, ch. 557, § 2)