

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-68
HOUSE BILL 819**

AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKINGHAM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.1(f) of the Charter of the City of Rockingham, being Chapter 1265 of the 1973 Session Laws, as amended by Chapter 698 of the 1995 Session Laws, reads as rewritten:

"(f) The city council shall consist of five (5) members. ~~In the regular municipal election in 1995 and quadrennially thereafter, three candidates shall be elected for four-year terms. In the regular municipal election in 1997 and quadrennially thereafter, two candidates shall be elected for four-year terms.~~ In 2003, two candidates shall be elected for four-year terms and one candidate shall be elected for a two-year term. In 2005, and each regular municipal election held biennially thereafter, two candidates shall be elected for four-year terms and one candidate shall be elected for a two-year term. In each election, the two candidates receiving the highest numbers of votes shall be elected for four-year terms and the one candidate receiving the third highest number of votes shall be elected for a two-year term. Members shall serve until their successors are elected and ~~qualify~~ qualified. Elections ~~are~~ shall be conducted by the nonpartisan plurality method and the results determined in accordance with G.S. 163-292."

SECTION 2. Section 4.2 of the Charter of the City of Rockingham, being Chapter 1265 of the 1973 Session Laws, as amended, reads as rewritten:

"Sec. 4.2. Organization of city council; oaths of office. The city council shall at ~~8:00 o'clock~~ 7:30 P.M. at the regular meeting in December following the date of their election meet and organize for the transaction of official municipal business. Before entering upon their offices the councilmen shall severally take the required oath before the city clerk to perform faithfully the duties of their respective offices. Any elected councilman not present at the organization meeting may take the oath of office within ~~thirty(30)~~ 30 days, and the failure on the part of any elected councilman to take said oath within ~~thirty(30)~~ 30 days forfeits his right to the office and the council shall have the authority to fill the vacancy."

SECTION 3. Section 4.10 of the Charter of the City of Rockingham, being Chapter 1265 of the 1973 Session Laws, as amended, reads as rewritten:

"Sec. 4.10. Compensation for the mayor and council. ~~The mayor shall receive for his services such salary as the council shall determine from time to time. The members of the council may establish a salary for its members. The salary of the mayor and the salaries of the council may be reduced but no increase therein shall be made to take effect during the term in which the increase is voted and such increase shall apply only to the terms of the members taking office after the next subsequent election.~~ The council may fix its salary and the salary of the mayor as provided by general law."

SECTION 4. Section 6.2 of the Charter of the City of Rockingham, being Chapter 1265 of the 1973 Session Laws, as amended, reads as rewritten:

"Sec. 6.2. City attorney. ~~The city attorney shall be appointed by the city council, and shall have the following duties:~~

- (1) ~~To serve as legal advisor to the city council, the city manager, the clerk, the treasurer, the tax collector, and all city departments, officers, and agencies.~~

- ~~(2) To represent as counsel the city, its officers, agents, or employees, in any legal action arising out of or connected with the proper functions of the city, unless disqualified so to act.~~
- ~~(3) To draft such ordinances, resolutions, and documents as requested by the council or city manager.~~

city council shall appoint a city attorney licensed to practice law in North Carolina. It shall be the duty of the city attorney to represent the city, advise city officials, and perform other duties as required by law or as the council may prescribe."

SECTION 5. Section 6.4 of the Charter of the City of Rockingham, being Chapter 1265 of the 1973 Session Laws, as amended, reads as rewritten:

"Sec. 6.4. City treasurer-finance officer. The city ~~treasurer~~-finance officer shall be appointed by the city ~~council~~-manager and shall receive and keep all moneys belonging to the city and disburse the same according to law, and keep the manager advised of the status of all funds. Whenever this charter or any ordinance, resolution, or other document refers to the city treasurer, the reference shall be deemed to refer to the city finance officer."

SECTION 6. Section 6.6 of the Charter of the City of Rockingham, being Chapter 1265 of the 1973 Session Laws, as amended, is repealed.

SECTION 7. Section 17.2 of the Charter of the City of Rockingham, being Chapter 1265 of the 1973 Session Laws, as amended, reads as rewritten:

"Sec. 17.2. Settlement of claims by city clerk or treasurer-manager. The city manager, as authorized by the governing body of the city, may settle claims against the city for:

- ~~(1) Personal injury or damages to property when the amount involved does not exceed the sum of \$1000.00 and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred.~~
- ~~(2) The taking of small portions of private property which are needed for the rounding of corners at street intersections, when the amount involved in any such settlement does not exceed \$1000.00 and does not exceed the actual loss sustained. Any settlement of a claim by the city manager pursuant to this section shall constitute a complete release of the city from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident occasion, or taking complained of. All such releases shall be reviewed and approved as to form by the city attorney, as provided by general law."~~

SECTION 8. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 14th day of May, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives