

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 49
SENATE BILL 152

AN ACT TO ALLOW CITY MANAGERS TO SERVE ON COUNTY BOARDS OF
EDUCATION IN COUNTIES WITH SMALL POPULATIONS.

The General Assembly of North Carolina enacts:

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

"§ 160A-147. Appointment of city ~~manager.~~ 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 executive and administrative qualifications. He 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 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
- (3) The population of the county in which the city manager resides does not exceed 40,000.

The population figures shall be according to the latest United States decennial figures issued at the time the second office is assumed. If census figures issued after the second office is assumed increase the city or county population beyond the limits of this subsection, the city manager may complete the term on the county board of education which he is then serving."

Sec. 2. Whenever a city manager has served on a county board of education consistent with the requirements set forth in G.S. 160A-147(b) as enacted by Section 1 of this act, provided that such dual office holding commenced no earlier than January 1, 1984, that person may continue to serve in such dual capacity and shall not be deemed to have given up the first office upon assumption of the second office. Actions of neither the county board of education nor the city shall be invalid because of the dual office holding permitted or validated by this act.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 10th day of April, 1989.