

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 861

Short Title: Fayetteville Charter.

(Local)

Sponsors: Representatives McAllister; and Kinney.

Referred to: Ways and Means, if favorable, Finance.

April 7, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE CITY OF FAYETTEVILLE'S PUBLIC WORKS
2 COMMISSION TO RETURN PROFITS AND EXCESS MONIES TO ITS
3 CUSTOMERS IN THE FORM OF REBATES OR REDUCED FEES, SUBJECT TO
4 A REFERENDUM.
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6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter VI of the Charter of the City of Fayetteville, being Chapter
8 557 of the 1979 Session Laws, as amended, is amended by adding the following new
9 sections to read:

10 "Section 6.6.1. **Profits and excess monies.** The commission shall return any profits
11 and excess monies to its customers through rebates or reduced fees. Profits and excess
12 monies shall include all revenues, excess fees, profits, and other funds, from any source
13 whatsoever, that are not paid to the City as profits or part of profits, used for the ordinary
14 operations and maintenance of the commission, or designated for capital development or
15 surplus capital.

16 "Section 6.6.2. **Referendum.** A petition may be filed by any citizen of the City
17 calling for a referendum on a specific issue related to the expenditure of profits and
18 excess monies by the commission. The petition shall be filed with the City Clerk, who
19 shall immediately forward it to the Cumberland County Board of Elections. The petition
20 shall bear the signatures equal in number to at least ten percent (10%) of the registered

1 voters in the City or ten percent (10%) of the taxpayers in the City whose names and
2 property are registered with the Cumberland County Tax Office or 5,000 signatures of
3 any combination of listed taxpayers or registered voters in the City, whichever is less.

4 The Board of Elections and the Tax Office shall verify the signatures on the petition
5 and shall thereafter certify the sufficiency of the petition to the City Council. The City
6 Council shall adopt a resolution calling for a referendum to be held by the Cumberland
7 County Board of Elections at such time as is practicable so as not to unreasonably
8 increase the cost of the referendum. The referendum shall be held at the next general
9 election or special election if the election is more than 60 days after the petition has been
10 certified by the Board of Elections and the Tax Office.

11 In the election, the question on the ballot shall be:

12 FOR AGAINST

13 The Public Works Commission shall return any profits and excess monies to its
14 customers through rebates or reduced fees.'

15 In the election, if a majority of the votes are cast 'For the Public Works Commission
16 shall return any profits and excess monies to its customers through rebates or reduced
17 fees', Section 6.6.1 of this Charter shall become effective on the date that the Cumberland
18 County Board of Elections certifies the results of the election. Otherwise, that section
19 shall have no force and effect."

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