

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 347
PROPOSED SENATE COMMITTEE SUBSTITUTE H347-PCS70466-SH-22

Short Title: Amend Greensboro Fire Retirement/Charter.

(Local)

Sponsors:

Referred to:

March 20, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GREENSBORO FIREFIGHTERS' SUPPLEMENTAL RETIREMENT SYSTEM AND TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO CHANGE CERTAIN REFERENCES FROM BUILDING INSPECTOR TO COMPLIANCE OFFICER.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 899 of the 1953 Session Laws, as amended by Chapter 289 of the 1979 Session Laws, Chapter 466 of the 1983 Session Laws, Chapter 178 of the 1987 Session Laws, and Chapter 431 of the 1993 Session Laws, reads as rewritten:

"**Section 1.** There is hereby created and established a supplemental retirement system for the members of the Fire Department of the City of Greensboro to be known as the 'Greensboro ~~Firemen's-Firefighters'~~ Supplemental Retirement System', hereinafter referred to in this Act as 'supplemental retirement system.' The purpose of the creation and establishment of the supplemental retirement system, as provided for in this Act, shall be to increase, augment and add to the benefits received by the firemen of the City of Greensboro who have already retired and who may hereafter retire and become eligible for benefits under the provisions of the North Carolina Local Governmental Employees' Retirement System in the sums and amounts hereinafter provided under this Act. Notwithstanding the provisions of G.S. 58-84-35, the board of trustees of the ~~Firemen's-Firefighters'~~ Relief Fund of the City of Greensboro, duly appointed under G.S. 58-84-30, shall pay ~~over to the board of trustees of the Greensboro Firemen's Supplemental Retirements System~~ into the Supplemental Retirement System on July 1 of each year all sums entrusted to the Relief Fund's board of trustees in excess of the sum of ten thousand dollars (\$10,000).

"**Sec. 2.** The general administration and responsibility for the proper operation of the supplemental retirement system herein created and established and for the carrying out and making effective the provisions of this Act are hereby vested in ~~a board of trustees who shall be chosen and selected as follows:~~ the Board of Trustees of the Firefighters' Relief Fund of the City of Greensboro, duly appointed under G.S. 58-84-30.

(a) ~~Two members of said board of trustees shall be chosen from the membership of the Greensboro Fire Department and shall be elected by a majority vote of the uniformed members of the Fire Department of the City of Greensboro; one of said members shall hold office for a period of one year, and the other member so appointed shall hold office for a period of two years; thereafter, each of said two members chosen from the Greensboro Fire Department shall be appointed for a term of office consisting of a period of two years each.~~

The members of the Board of Trustees of the Greensboro Firemen's Supplemental Retirement System serving upon the abolition of that Board shall serve as ex officio members



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1 of the Board of Trustees of the Firefighters' Relief Fund of the City of Greensboro without
2 privilege of voting on matters before that Board.

3 (b) ~~Two members shall be appointed by the President of the Greensboro Fire Insurance~~
4 ~~Exchange; one of said members shall hold office for a period of one year, the other member so~~
5 ~~appointed shall hold office for a period of two years; and thereafter, each of said members shall~~
6 ~~be appointed for a term of office consisting of a period of two years.~~

7 (c) ~~One member of said board of trustees is to be a member of the Greensboro City~~
8 ~~Council and shall be elected for a term of two years by a majority vote of the City Council of~~
9 ~~the City of Greensboro.~~

10 ~~All members of the board of trustees shall be elected or appointed as specified in Section 2~~
11 ~~(a), (b) and (c) prior to the third Tuesday in May. They shall take office on the third Tuesday in~~
12 ~~May. Any member of said board of trustees shall be eligible to succeed himself or herself, and~~
13 ~~all vacancies occurring in the membership of the board of trustees by death, resignation,~~
14 ~~disqualification or otherwise shall be filled by a special election for the members elected in~~
15 ~~Section 2 (a) and (c), to fill the unexpired term, and likewise by special appointment under~~
16 ~~Section 2 (b).~~

17 (d) ~~The board of trustees shall be organized immediately after the trustees provided for~~
18 ~~in this Section shall have qualified and taken the oath of office. The board of trustees shall be a~~
19 ~~body politic and corporate under the name of the Board of Trustees of Greensboro Firemen's~~
20 ~~Supplemental Retirement System, and as a body politic and corporate shall have the right to sue~~
21 ~~and be sued, shall have perpetual succession and a common seal, and in said corporate name~~
22 ~~shall be able and capable in law to take, receive and demand and possess all kinds of property~~
23 ~~hereinafter specified, and to bargain, sell, grant, alien, or dispose of all such property as it may~~
24 ~~lawfully acquire. All such property owned or acquired by said body politic and corporate shall~~
25 ~~be exempt from all taxes imposed by the State or any political subdivision thereof and shall not~~
26 ~~be subject to income taxes.~~

27 (e) ~~The board of trustees~~ Board of Trustees ~~may invest and deposit funds received~~
28 ~~under this act to any of those classes of securities, including certificates of deposits, as~~
29 ~~authorized for local government pursuant to G.S. 159-30.~~

30 (f) ~~Compensation of Trustees. The members of the Board of Trustees of the~~
31 ~~Greensboro Firemen's Supplemental Retirement System shall serve without compensation, but~~
32 ~~they shall be reimbursed for all necessary expenses incurred through service upon said board.~~

33 (g) ~~Each trustee shall, within 10 days after his appointment, take an oath of office~~
34 ~~before the mayor that, so far as it devolves upon him, he will diligently and honestly administer~~
35 ~~the affairs of said board and that he will not knowingly violate or willingly permit to be~~
36 ~~violated any of the provisions of law applicable to the retirement system. Such oath shall be~~
37 ~~subscribed to by the member making it, and certified by the officer by whom it is taken, and~~
38 ~~immediately filed in the office of the city clerk.~~

39 (h) ~~Meetings. The board of trustees shall hold regular quarterly meetings at such time~~
40 ~~and place as the board may determine. In addition thereto, the chairman or vice chairman of the~~
41 ~~board of trustees may call special meetings and upon request of two members of the board of~~
42 ~~trustees in writing, shall call a special meeting of the board of trustees. When so called, the~~
43 ~~secretary shall give notice in person or by special delivery mail to all members of the board at~~
44 ~~least 24 hours prior to such meeting, specifying the purpose of such meeting and time and~~
45 ~~place. The business of the special meeting shall be limited to the purpose as set forth in the~~
46 ~~notice.~~

47 (i) ~~Voting rights. Each trustee shall be entitled to one vote. Three affirmative votes~~
48 ~~shall be necessary for a decision by the trustees at any meeting of said board and the chairman~~
49 ~~shall only vote in case of a tie.~~

50 (j) ~~The chairman shall preside at all meetings and in his absence the vice chairman~~
51 ~~shall preside.~~

1 (k) ~~Officers. The Chairman, Vice Chairman, Secretary and the Treasurer of the~~
2 ~~Greensboro Firemen's Supplemental Retirement System shall be elected by the board of~~
3 ~~trustees from the membership of the board at the first organizational meeting and thereafter at~~
4 ~~the first regular quarterly meeting in each year.~~

5 (l) ~~Rules and Regulations. Subject to the limitations of this Act, the board of trustees~~
6 ~~shall, from time to time, establish rules and regulations for the administration of the funds~~
7 ~~created by this Act and for the transaction of its business. The board of trustees shall also, from~~
8 ~~time to time, in its discretion, adopt rules and regulations to prevent injustices and inequalities~~
9 ~~which might arise in the administration of this Act.~~

10 (m) ~~Evaluation. The secretary shall keep in convenient form, at a place designated by~~
11 ~~the trustees, such data as shall be necessary for evaluating the system and for checking the~~
12 ~~expense of the system.~~

13 (n) ~~Record of Proceedings. Annual Report. The board of trustees shall keep a record of~~
14 ~~all its proceedings which shall be open to public inspection. It shall publish at the end of each~~
15 ~~fiscal year a report showing the fiscal transactions of the system for the preceding year, the~~
16 ~~amount of the accumulated cash of the system, and the last balance sheet, showing the financial~~
17 ~~condition of the system, including the valuation of the assets and liabilities of the retirement~~
18 ~~system. A copy of such annual report shall be provided for each of the fire stations of the City~~
19 ~~of Greensboro. The term 'fiscal year', as used in this Act, shall be defined to mean a period of~~
20 ~~time from July 1st to June 30th, inclusive.~~

21 (o) ~~Legal Adviser. The attorney or attorneys for the City of Greensboro shall be the~~
22 ~~legal adviser or advisers of the board of trustees.~~

23 (p) ~~Custodian of Funds. Disbursements. Bond of Treasurer. The treasurer shall handle~~
24 ~~all funds. The treasurer shall furnish such bond as shall be required by the board of trustees. He~~
25 ~~shall be custodian of all funds paid into the Greensboro Firemen's Supplemental Retirement~~
26 ~~System and shall deposit said funds in a bank or banks designated by the board of trustees. The~~
27 ~~premium for said bond shall be paid out of the funds of the system. All payments from such~~
28 ~~funds shall be made by him only upon voucher signed by two persons designated by the board~~
29 ~~of trustees. The books of the system shall be audited each two years and when a new treasurer~~
30 ~~is elected by a certified public accountant, and said report shall be presented at the first regular~~
31 ~~quarterly meeting of each year.~~

32 (q) ~~Liabilities of Trustees. No member of the board of trustees shall be personally liable~~
33 ~~by reason of his service as a trustee for any acts performed by him as a trustee, except for~~
34 ~~malfeasance in office.~~

35 (r) ~~Trustee Member Disqualified. In the event any uniformed member shall make~~
36 ~~application for benefits under this Act, and shall at such time be serving as a member of the~~
37 ~~board of trustees, he shall first disqualify himself and his vacancy shall be filled before the~~
38 ~~board of trustees receives such application.~~

39 **"Sec. 3.** ~~There is hereby created and established in the Greensboro Firemen's Firefighters'~~
40 ~~Supplemental Retirement System a fund to be known as the 'supplemental retirement fund' and~~
41 ~~hereinafter referred to as the 'fund'. The fund shall consist of all moneys and funds paid into the~~
42 ~~system from the Firemen's Firefighters' Relief Fund of the City of Greensboro from time to~~
43 ~~time and as provided by law; all gifts of money, property of all kinds and description, proceeds~~
44 ~~from property of all kinds and description, all moneys, funds or property transferred to the fund~~
45 ~~by will, devise, bequest or by other means provided by law for the transfer or devolution of~~
46 ~~property, donations and gifts made by the firemen of the City of Greensboro, investments,~~
47 ~~earnings on investments, interest, dividends and any other funds or property that may accrue to~~
48 ~~the fund, and the board of trustees is authorized to accept gifts, devises and bequests, and any~~
49 ~~property or funds that may in anywise be transferred in operation of law. The moneys and~~
50 ~~property of the fund may be invested by the board of trustees as heretofore provided in this Act.~~
51 ~~Refunds may be made from the fund to anyone entitled thereby by reason of clerical mistake or~~

1 any clerical error or inadvertence. The fund shall be liable for the payment of the supplemental
2 benefits hereinafter referred to and defined. Any donations made to the Greensboro City Fire
3 Department in excess of the amount of one hundred dollars (\$100.00) may be given and
4 transferred to the fund by a majority vote of the members of the Greensboro City Fire
5 Department. The fund shall be liable for all reasonable and necessary expenses of
6 administration as shall be determined by the board of trustees.

7 **"Sec. 4.** Eligibility for supplemental benefits. For the purpose of this Section 'supplemental
8 benefit' as used in this Section shall be defined to mean any sum of money payable by the fund
9 to a fireman of the Greensboro City Fire Department who retires from the Local Governmental
10 Employees' Retirement System, as established by Article 3 of Chapter 128 of the General
11 Statutes of North Carolina, including disability retirement, as provided in said system. On and
12 after July 1, 1983, all firemen of the Greensboro City Fire Department who have attained 30
13 years of creditable service or who have attained the age of 55 years and who retire from the
14 Local Governmental Employees' Retirement System, including disability retirement, as
15 provided in the system, shall receive a minimum supplemental benefit of twenty-five dollars
16 (\$25.00) per month, except that the total amount paid all retired members of the Greensboro
17 City Fire Department shall not exceed eighty percent (80%) of the income received by the fund
18 during the preceding fiscal year from interest on investment of capital funds, plus the amount
19 derived from other sources; provided, that firemen who have retired prior to July 1, 1983, and
20 who have not attained 30 years of creditable service or who have not attained the age of 55
21 years shall receive benefits equal to benefits paid other retired firemen under this retirement
22 system. In the event that eighty percent (80%) of the income above mentioned is insufficient to
23 pay such minimum of twenty-five dollars (\$25.00) per month to each person receiving
24 supplemental benefit, the amount shall be equally prorated among the retired members of the
25 Greensboro City Fire Department. Each retired fireman receiving supplemental benefit in
26 accordance with this act shall receive the same amount of supplemental benefit per month;
27 provided, that the maximum payment to any retired member of the Greensboro City Fire
28 Department from said fund shall be one hundred thirty dollars (\$130.00) per month. All
29 amounts received for the fund, except eighty percent (80%) of the interest and funds received
30 from other sources, which is to be used for the payment of supplemental benefits to retired
31 members of the Greensboro City Fire Department, as herein provided, together with any part of
32 said eighty percent (80%) which is not paid out during the next fiscal year, shall become a part
33 of said fund and may be invested as provided in this Act. Should any fireman die, subsequent to
34 the payment of a supplemental benefit for any preceding month and prior to the payment of any
35 supplemental benefit in the month in which such fireman dies, then such supplemental benefit
36 for that month shall be paid to the deceased fireman's personal representative. The board of
37 trustees shall have the authority and power to promulgate rules and regulations to the end that
38 the supplemental benefits herein provided may be properly administered and carried out and for
39 the purpose of achieving the objectives herein sought.

40 **"Sec. 5.** The provisions of Section 4 of this Act shall not become effective as to the
41 payment of any supplemental benefits thereunder until on and after July 1, 1953.

42 **"Sec. 6.** All laws and clauses of laws in conflict with this Act are hereby repealed.

43 **"Sec. 7.** None of the provisions of this act shall create a liability for the Greensboro
44 ~~Firemen's-Firefighters'~~ Supplemental Retirement System or for the State of North Carolina
45 unless sufficient current assets are available in the fund to pay fully for this liability."

46 **SECTION 2.** Section 5.65 of the Charter of the City of Greensboro, being Chapter
47 1137 of the 1959 Session Laws, as amended by Chapter 29 of the 1971 Session Laws and
48 Chapter 807 of the 1985 Session Laws, reads as rewritten:

49 "Section 5.65. Creation and Duties of Board of Adjustment.

50 (a) The City Council may provide for the creation and organization of a Board of
51 Adjustment to which appeals may be taken from the decision of the building

1 ~~inspector~~compliance officer concerning provisions of the zoning, subdivision, mobile home,
2 and sign ordinances of the City of Greensboro and any other provisions of the Greensboro
3 Code of Ordinances in which appeals to the Board of Adjustment may be provided.

4 (b) The Board shall consist of seven (7) members to serve for three year overlapping
5 terms. The City Council may fix the duties, procedure for appeals to the Board and the vote
6 required to reverse the ~~building-inspector-compliance officer~~. The Board of Adjustment shall
7 have the power to elect its own officers, to fix the times and places for its meetings, to adopt
8 necessary rules of procedure, and to adopt all other rules and regulations not inconsistent with
9 the duties conferred by the City Council and which may be necessary for the proper discharge
10 of its duties; and it shall keep an accurate record of all its proceedings.

11 (c) Every decision of the Board shall be subject to review by the Superior Court of
12 Guilford County by proceedings in the nature of certiorari instituted within thirty days of the
13 decision of the Board, but not otherwise."

14 **SECTION 3.** Section 5.74 of the Charter of the City of Greensboro, being Chapter
15 1137 of the 1959 Session Laws, as amended by Chapter 686 of the 1961 Session Laws, Chapter
16 55 of the 1963 Session Laws, and Chapter 74 of the 1967 Session Laws, reads as rewritten:

17 "Sec. 5.74. Housing Commission. (a) The city council may provide for the creation and
18 organization of a housing commission to which appeals may be taken from the decision of the
19 ~~building-inspector-compliance officer~~ upon any provision of the housing code of the city.

20 (b) The commission shall consist of seven members to serve for three-year overlapping
21 terms. It shall have power to elect its own officers, to fix the times and places for its meetings,
22 to adopt necessary rules of procedure, and to adopt all other rules and regulations not
23 inconsistent herewith which may be necessary for the proper discharge of its duties; and it shall
24 keep an accurate record of all its proceedings.

25 (c) An appeal from any decision or order of the ~~building-inspector-compliance officer~~
26 may be taken by any person aggrieved thereby or by any officer, board or commission of the
27 city. Any appeal from the ~~building-inspector-compliance officer~~ to the commission shall be
28 taken within such reasonable time as shall be prescribed by the commission by general rule and
29 shall be taken by filing with the ~~building-inspector-compliance officer~~ and with the secretary of
30 the commission a notice of appeal which shall specify the grounds upon which the appeal is
31 based. Upon the filing of any notice of appeal, the ~~building-inspector-compliance officer~~ shall
32 forthwith transmit to the commission all the papers constituting the record upon which the
33 decision appealed from was made. When an appeal is from a decision of the ~~building~~
34 ~~inspector-compliance officer~~ refusing to allow the person aggrieved thereby to do any act, his
35 decision shall remain in force until modified or reversed. When any appeal is from a decision
36 of the ~~building-inspector-compliance officer~~ requiring the person aggrieved to do any act, the
37 appeal shall have the effect of suspending the requirement of the ~~building-inspector-compliance~~
38 ~~officer~~ until the hearing by the commission, unless the ~~building-inspector-compliance officer~~
39 certifies to the commission, after the notice of appeal is filed with him, that by reason of the
40 facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of
41 his requirement would cause imminent peril to life or property, in which case the requirement
42 shall not be suspended except by a restraining order, which may be granted, for due cause
43 shown and upon not less than one day's written notice to the ~~building-inspector-compliance~~
44 ~~officer~~, by the commission or by the Superior Court of Guilford County.

45 (d) The commission shall fix a reasonable time for the hearing of all appeals and shall
46 render its decision within a reasonable time. Any party may appear in person or by agent or
47 attorney. The commission may reverse or affirm, wholly or partly, or may modify the decision
48 appealed from, and may make such decision and order as in its opinion ought to be made in the
49 matter, and to that end it shall have all the powers of the ~~building-inspector-compliance officer~~;
50 but the concurring vote of four members of the commission shall be necessary to reverse or
51 modify any decision of the ~~building-inspector-compliance officer~~. The commission shall have

1 power also in passing upon appeals, in any case where there are practical difficulties or
2 unnecessary hardships in the way of carrying out the strict letter of the housing code, to adapt
3 the application of the code to the necessities of the case to the end that the spirit of the code
4 shall be observed, public safety and welfare secured and substantial justice done.

5 (e) Every decision of the commission shall be subject to review by the Superior Court
6 of Guilford County by proceedings in the nature of certiorari instituted within fifteen days of
7 the decision of the commission, but not otherwise.

8 (f) If a person fails to comply with an order of the ~~Building Inspector~~compliance
9 officer or, upon appeal, an order of the Housing Commission to repair, alter, improve, vacate,
10 close or demolish a building or dwelling, the ~~Building Inspector~~compliance officer may cause
11 such building or dwelling to be repaired, altered, improved, vacated, closed or demolished;
12 provided that the duties of the ~~Building Inspector~~compliance officer as set forth herein shall not
13 be exercised until the Housing Commission shall have, by resolution or other written decree,
14 ordered the ~~Inspector~~compliance officer to proceed to effectuate the above purposes with
15 respect to the particular property or properties involved."

16 **SECTION 4.** This act is effective when it becomes law.