

**04 NCAC 20B .0702      ACTIONS AGAINST THE COUNCIL OR COUNCIL MEMBERS**

- (a) All actions against the council or against a council member in his or her capacity as a council member or against a council member in his or her individual capacity alleging misfeasance, malfeasance or nonfeasance in his or her role as a council member shall be brought by filing a complaint in accordance with Subchapter 20C .0002.
- (b) Members of the council shall only be liable in the event that the complainant establishes by a preponderance of the evidence that such member(s) engaged in misconduct that constituted fraud. Complaints that fail to allege facts constituting fraud shall be dismissed.
- (c) Awards or damages shall be limited to actual losses of the complainant. Council members are not individually liable for any award against the council.
- (d) Class action complaints are not permitted, except in extraordinary circumstances.

*History Note:*      *Authority G.S. 143B-430(b); Ex. O. 93, June 8, 1983; 20 C.F.R. 629.51;*  
*Eff. August 1, 1982;*  
*Amended August 1, 1988; October 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*  
*2019.*