

CHAPTER 2. ADMINISTRATION*

ARTICLE I. IN GENERAL

Reserved.

Cross reference- Section 2-101 and 2-102 have been moved to Chapter 15.

ARTICLE II. TOWN COUNCIL*

Sec. 2-201. Organizational meeting.

(a) The organizational meeting of the council shall be on the date and at the time of the first regular meeting following certification of the election results.

(b) The organization of the council shall take place notwithstanding the absence, death, refusal to serve, failure to qualify or non-election of one (1) or more members, but at least a quorum of the members must be present.

(c) When the organizational meeting is held on the third Monday of November following the election the outgoing council members shall receive a salary of one-half of one (1) month and the incoming members shall receive a salary of one-half of one (1) month. When the organizational meeting is not held until December, then outgoing members shall not receive a salary for December and incoming members shall receive a salary for the full month of December.
(Code 1976, § 2.1)

State law references-Compensation of mayor and council, G.S. § 160A-64; organizational meeting of council, G.S. § 160A-68.

Sec. 2-202. Mayor pro tempore; disability of mayor.

At the organizational meeting, the council shall elect from its members a mayor pro tempore to serve at the pleasure of the council. A councilman serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a councilman for all purposes, including the determination of whether a quorum is present. During the absence of the mayor, the council may confer upon the mayor pro tempore any of the powers and duties of the mayor. If the mayor should become physically or mentally incapable of performing the duties of his office, the council may by unanimous vote declare that he/she is incapacitated and confer any of his/her powers and duties on the mayor pro tempore. Upon the mayor's declaration that he/she is no longer incapacitated, and with the concurrence of a majority of the council, the mayor shall

* **Cross references-**Businesses and trades, Ch. 6; community advisory committee, § 16-301 et seq.; planning, zoning and subdivision control, Ch. 17; planning board, § 17-201 et seq.; creation of board of adjustment, § 17-343; administration of traffic chapter, § 20-201 et seq.

State law reference-Cities and towns, G.S. Ch. 160A.

* **Charter reference-**Mayor and council, Art. II, § 3.

Cross references-Authority of mayor to declare state of emergency, § 9-101; member of town council and town manager to be ex officio members of the community advisory committee, Ch. 16; town council to review sketch plan of minor subdivision, § 17-558.

State law reference-Organization and procedures of the council, G.S. § 160A-68 et seq.

resume the exercise of his/her powers and duties. During a period of incapacity of the mayor when the mayor pro tempore is performing the duties of mayor, the salary of the mayor shall be suspended and the mayor pro tempore shall receive a pro rata salary for the time acting as mayor at the salary rate of the mayor. During such period the mayor pro tempore shall not receive a salary as councilman.

(Code 1976, § 2.2)

State law reference-Mayor pro tempore, G.S. § 160A-70.

Sec. 2-203. Regular meetings.

The town council shall regularly meet on the first and third Monday of each month at 7:00 p.m. in council chambers located in town hall unless it becomes necessary for the council to designate a different time or place to conduct the meeting. In such instances, the town clerk shall fulfill the public notification requirements established in G.S. § 143-318.12.

(Code 1976, § 2.3; Ord. No. 23-2006, Art. 11, 8-7-06; Ord. No. 24-2007, 9-10-07)

Sec. 2-204. Special meetings.

Special meetings of the council may be held upon the call of the mayor or upon the request in writing to the town clerk of any two (2) members of the council and upon such notice as may be by law required. In such instances, the town clerk shall fulfill the public notification requirements established in NC General Statute § 143-318.12. Notice of the time and purposes of special meetings shall be posted at the town hall, and due notice shall be given to the mayor and council of the time and purposes of such meetings.

(Code 1976, § 2.4)

State law reference-Regular and special meetings, G.S. § 160A-71 and § 143-318.12.

Sec. 2-205. Quorum.

A majority of the actual membership of the council shall constitute a quorum and no official business of the town shall be transacted by the council unless a quorum is present.

(Code 1976, § 2.5)

State law reference-Quorum, G.S. § 160A-74.

Sec. 2-206. Minutes.

The town clerk shall keep full and accurate minutes of the council proceedings, and said minutes shall be open to the inspection of the public. The results of each vote shall be recorded in the minutes, and upon the request of any member of the council, the ayes and noes upon any question shall be taken. The minutes of closed session meetings shall not be open to the inspection of the public as provided G.S. 143-318.10(e).

(Code 1976, § 2.6)

State law reference-Minutes to be kept, G.S. § 160A-72.

Sec. 2-207. Mayor to preside.

The mayor shall preside at all meetings of the council and in his/her absence the mayor pro tempore shall preside.
(Code 1976, § 2.7)

State law references-Mayor to preside over council, G.S. § 160A-69; mayor pro tempore, G.S. § 160A-70.

Sec. 2-208. Mayor not to vote except to break tie.

The mayor shall not vote on any question before the council except in the case of a tie vote deadlocking a decision of the council.
(Code 1976, § 2.8)

State law reference-Mayor's vote in case of tie, G.S. § 160A-69.

Sec. 2-209. Committees.

The mayor and council may create such committees of the council for special purposes as they deem best.
(Code 1976, § 2.9)

Sec. 2-210. Voting.

(a) No member shall be excused from voting except upon matters involving the consideration of his/her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

(b) An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue (including the mayor's vote in case of an equal division) shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify or authorize any contract on behalf of the town. In addition, no ordinance or any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all members of the council, not including the mayor. For the purposes of this section, an ordinance shall have been deemed to have been introduced on the date the subject matter is first voted on by the council.
(Code 1976, § 2.10)

State law reference-Voting, G.S. § 160A-75.

Sec. 2-211. Franchises; technical ordinances.

(a) No ordinance making a grant, renewal, extension or amendment of any franchise shall be finally adopted until it has been passed at two (2) regular meetings of the council and no such grant, renewal, extension or amendment shall be made otherwise than by ordinance.

(b) Any published technical code or any standards or regulations promulgated by any public agency may be adopted in an ordinance by reference subject to G.S. § 143-138(e). A technical code or set of standards or regulations adopted by reference in an ordinance shall have the force of law within the town. Official copies of all technical codes, standards and regulations adopted by reference shall be maintained for public inspection in the office of the clerk.
(Code 1976, § 2.11)

Cross references-Buildings and building regulations, Chpt. 5; franchises, App. D.

State law reference-Similar provisions, G.S. § 160A-76.

Secs. 2-212 - 2-299. Reserved.

ARTICLE III. ORDINANCES*

Sec. 2-301. Effective date.

All ordinances shall be effective after the ratification thereof except ordinances specifying some other effective date or ordinances required by state law to be effective only after having met specific date requirements.

(Code 1976, § 2.12)

Sec. 2-302. One subject rule.

All ordinances shall be confined to one (1) subject except appropriation ordinances which shall be confined to the subject of appropriations only.

(Code 1976, § 2.13)

Sec. 2-303. Official copy.

A true copy of any ordinance, which has been duly enacted by the council, signed by the mayor and attested to by the clerk, shall be known as an official copy of any ordinance for the town. All ordinances or a true copy thereof shall be inserted in this Code in the proper chapter, except those ordinances enumerated in section 1-107.

(Code 1976, § 2.14)

Sec. 2-304. Ordinance book.

The clerk shall file a true copy of each ordinance, until it is codified in this Code, in an ordinance book separate and apart from the council minute book. The ordinance book shall be appropriately indexed and maintained for public inspection in the office of the clerk.

(Code 1976, § 2.15)

Secs. 2-305 - 2-399. Reserved.

* **State law references**-Code of ordinances, G.S. § 160A-77; ordinance book, G.S. § 160A-78; pleading and proving city ordinances, G.S. § 160A-79.

ARTICLE IV. OFFICERS AND EMPLOYEES*

Sec. 2-401. Office of mayor.

It shall be the duty of the mayor to cause all ordinances of the town to be enforced and to attend and preside over all meetings of the council. It shall further be the duty of the mayor, within thirty (30) days after the close of each year, to require a report to the council from the various departments of the town government for the previous year and recommend such adjustments as he may see fit, and the mayor shall perform such other duties as the council from time to time may require. The mayor shall be the chief executive officer of the town.
(Code 1976, § 2.17)

State law reference-Mayor to preside over council, G.S. § 160A-69.

Sec. 2-402. Town clerk; deputy clerk.

(a) There shall be a clerk who shall be appointed by the manager. The clerk shall:

- (1) Give notice of meetings of the council;
- (2) Attend all meetings of the council and regularly and fairly record all of its proceedings;
- (3) Keep an ordinance book and be the custodian of all town records;
- (4) Perform such other duties as the council or manager may from time to time require.

(b) There shall be a deputy town clerk who shall be appointed by the manager and who shall have full authority to exercise and perform the duties of the clerk as may from time to time be necessary and appropriate.
(Code 1976, § 2.18(1)-(3), (7))

State law references-G.S. § 160A-171.

Sec. 2-403. Office of town manager.

(a) The council shall appoint a qualified person to serve as town manager and such individual shall serve at the pleasure of the council. The manager need not be a resident of the town or State at the time of appointment; however, assuming the duties of town manager, the town manager shall have his or her primary residence within the corporate limits of the town.

(b) The town manager shall:

* **Charter references**-Animal control officer, § 4-102; fire department, § 10-201 et seq.; police, Ch. 18; police department, § 18-201 et seq.; public employees to obey traffic regulations, § 20-305.

- (1) Appoint and suspend or remove all town officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law or ordinance, except the town attorney, in accordance with such general personnel rules, regulations, policies or ordinances as the council may adopt;
 - (2) Direct and supervise the administration of all departments, offices and agencies of the town, subject to the general direction and control of the council, except as otherwise provided by law;
 - (3) Attend all meetings of the council and recommend any measures that he/she deems expedient;
 - (4) See that all laws of the state, the town charter, and the ordinances, resolutions and regulations of the council are faithfully executed within the town;
 - (5) Prepare and submit the annual budget and capital program to the council;
 - (6) Annually submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of the fiscal year;
 - (7) Make any other reports that the council may require concerning the operations of town departments, offices and agencies subject to his/her direction and control;
 - (8) Serve as the town's assistant finance officer; and
 - (9) Perform any other duties that may be required or authorized by the council.
- (Code 1976, § 2.19(a), (b); Ord. No. 21-90, 12-17-90; Ord. No. 29-2000, 9-18-00)

Cross references-Finance, § 2-501 et seq.; town manager to be inspector for purposes of minimum housing standards, § 5-401 et seq.; fair housing grievances to be filed with town manager, § 13-204; member of town council and town manager to be ex officio members of the community advisory committee, Ch. 16; approval of sketch plat for minor subdivision by town manager, § 17-525; town manager to have general supervision over police department, § 18-203; duties of town manager in regard to electric power system, § 21-403.

State law references-Town manager, G.S. § 160A-147 et seq.; similar provisions, G.S. § 160A-148; finance officer, G.S. §§ 159-24, 159-25.

Sec. 2-404. Acting town manager.

(a) During the temporary absence or disability of the town manager, the town manager may appoint by letter filed with the clerk, a qualified person to exercise the powers and perform the duties as town manager subject to approval by the council. The salary of such appointee shall be determined by the council. During this absence or disability, the council may revoke that designation at any time and appoint another to serve until the manager returns or his disability ceases.

(b) Notwithstanding the above paragraph, the council may appoint an acting town manager when the town manager becomes disabled or the position of acting town manager becomes vacant.

(Code 1976, § 2.19(c))

State law reference-Acting town manager, G.S. § 160A-149.

Sec. 2-405. Interim town manager.

When the position of town manager is vacant, the council shall designate a qualified person to exercise the powers and perform the duties of town manager until the vacancy is filled. (Code 1976, § 2.19(d).

State law reference-Similar provisions, G.S. § 160A-150.

Sec. 2-406. Town attorney.

The council shall appoint a town attorney to serve at its pleasure and to be its legal advisor. (Code 1976, § 2.20)

State law reference-Similar provisions, G.S. § 160A-173.

Sec. 2-407. Tax collector.

(a) The town may contract with the county for tax collection services to perform those duties of tax collector as set forth in state law.

(b) If the town contracts with the county as provided in subsection (a), then for the purposes of this chapter the county tax department shall be deemed the tax department of the town.

(c) If the town does not contract with the county as provided in subsection (a), the council shall appoint a tax collector to serve at its pleasure to perform those duties of tax collector as set forth in state law.

Cross reference-Businesses and trades, Ch. 6.

State law reference--Appointment, term, qualifications and bond of tax collectors, G.S. § 105-349.

Sec. 2-408. Employees' bonds.

The clerk and other officers or employees required by the council or by state law shall, before entering upon their duties, post bond in amounts specified by the council. All bond premiums shall be paid from town funds. Provided, that when two (2) offices are combined, such as the offices of manager and finance officer only one (1) bond shall be required.

(Code 1976, § 2.23)

State law reference-Fidelity bonds, G.S. § 159-29.

Sec. 2-409. Finance officer.

The town manager shall appoint a finance officer to perform those duties of finance officer as set forth in the state law.

(Ord. No. 29-2000, § 1,9-18-00)

Secs. 2-410 - 2-499. Reserved.

ARTICLE V. FINANCE*

Sec. 2-501. Disbursement of funds.

No money shall be disbursed from the town treasury except on order of the council in session and then only if the item for which the disbursement is made has been provided for in the annual budget except in the case of an extreme emergency.
(Code 1976, § 2.24)

Sec. 2-502. Purchasing.

(a) Before any order is given for items to be paid by the town or any purchase made by any town employee which shall be in excess of three hundred dollars (\$300), a large purchase order must first be obtained from the finance officer, assistant finance officer or designee of the finance officer. Items to be paid by the town or any purchase made by any town employee costing three hundred dollars (\$300) or less shall require a small purchase order. When available, competition shall be solicited prior to any order given for items to be paid by the town or any purchase made by any town employee.

(b) Any town employee purchasing goods without a purchase order from the manager will be held responsible for the cost of same.
(Code 1976, § 2.25; Ord. No. 29-2000, § 2, 9-18-00)

Secs. 2-503 - 2-599. Reserved.

ARTICLE VI. RESERVED*

Secs. 2-601 - 2-699. Reserved.

* **Cross references**-Any ordinance promising or guaranteeing payment of money, authorizing issuance of bonds or giving evidence of the town's indebtedness, any ordinance providing for public improvements and assessments, any appropriation ordinance or budget ordinance, any ordinance setting fees or charges saved from repeal, § 1-107; town manager to serve as town's assistant finance officer, § 2-403; town manager to prepare and submit the annual budget and capital program to council, § 2-403.

State law reference-Local government finance, G.S. Ch. 159.

* **Editor's note**-Section 1 of Ord. No. 39-2000, adopted Dec. 18, 2000, deleted Art. VI, Div. 1-9, §§ 2-601-2-699, from the Code. This article covered Personnel Policies and was derived from the following ordinances:

Ord. No.	Date	Ord. No.	Date
8-88	09-05-88	9-94	06-06-94
6-92	04-06-92	24-96	08-19-96
23-92	10-05-92	38-96	12-16-96
25-92	11-19-92	29-99	08-17-99
26-92	11-16-92		