

CHAPTER 30: FORM OF GOVERNMENT

Section

General Provisions

- 30.01 Governing body
- 30.02 Powers and duties generally
- 30.03 Mayor; duties
- 30.04 Selection and duties of the Mayor pro tern
- 30.05 Town Manager
- 30.06 Committees appointed by Mayor; reports; compensation
- 30.07 Resignations of members
- 30.08 Compensation

Meetings

- 30.20 Regular meetings; time and place
- 30.21 Special meetings
- 30.22 Adjourned meetings
- 30.23 Order of business
- 30.24 Rules of procedure
- 30.25 Meetings open to public

Ordinances

- 30.40 Procedure, form; publication
- 30.41 Effective date
- 30.42 Official copy
- 30.43 Ordinance book
- 30.44 Ordinances adding to code
- 30.45 Improper amending void

GENERAL PROVISIONS

§ 30.01 GOVERNING BODY.

The governing body of the town shall consist of a Mayor and Board of Commissioners of 5 members, elected according to the uniform municipal election laws of North Carolina. (1978 Code, § 2-1001) (Am. Ord. passed 11-3-1986)

Cross-reference:

Council-Manager form of government adopted pursuant G.S. §§ 160A-101 and 160A-102, see the Town Charter, Section 1-13

Statutory reference:

*Board to organize town government, see G.S. § 160A-146;
Uniform Municipal Election Law of 1971, as amended, see G.S. §§ 163-279 et seq.*

§ 30.02 POWERS AND DUTIES GENERALLY.

The powers and duties of the governing body shall be as set out in the General Statutes of North Carolina, the town charter, and the ordinances of the town. (1978 Code, § 2-1002)

§ 30.03 MAYOR; DUTIES.

The Mayor shall be the chief executive officer of the town and, as such, shall perform the following duties:

- (A) Keep himself informed as to the town's business;
- (B) Preside over the meetings of the Board of Commissioners;
- (C) Sign all contracts, ordinances, resolutions, franchises, and all other documents as authorized by the Board;
- (D) Appoint all committees and outline their duties under the general direction of the Board;
- (E) Make recommendations to the Board concerning the affairs of the town as he deems necessary;
- (F) Represent the town at ceremonies and other official occasions;
- (G) Perform other duties as authorized by the General Statutes, the Town Charter and this code. (1978 Code, § 2-1003)

Statutory reference:

Duties of the Mayor, see G.S. § 160A-69

§ 30.04 SELECTION AND DUTIES OF THE MAYOR PRO TEM.

At the first meeting after their election, the Board of Commissioners shall select 1 of their number to act as Mayor pro tem. The Mayor pro tem shall have no fixed term of office, but as such, shall perform all the duties of the Mayor in the Mayor's absence or disability.

(1978 Code, § 2-1004)

Statutory reference:

Mayor pro tem, see G.S. § 160A-70

§ 30.05 TOWN MANAGER.

- (A) *Appointment.* The Board of Commissioners shall appoint a Town Manager to serve at its pleasure. The Town Manager shall be appointed solely on the basis of his or her executive and administrative qualifications. The Town Manager need not be a resident of the town or state at the time of appointment. The office of Town Manager may be held concurrently with other appointive (but not elective) offices pursuant to Article VI, Section 9, of the state constitution.
(G.S. § 160A-147)
- (B) *Powers and duties.* The Town Manager shall be the chief administrator of the town. The Town Manager shall be responsible to the Board of Commissioners for administering all municipal affairs placed in his or her charge by them and shall:
- (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, except the Town Attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the Board of Commissioners 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 Board of Commissioners except as otherwise provided by law.
 - (3) Attend all meetings of the Board of Commissioners and recommend any measures that he or she deems expedient.
 - (4) See that all laws of the state, the town charter, and the ordinances, resolutions, and regulations of the Board of Commissioners are faithfully executed within the town.
 - (5) Prepare and submit the annual budget and capital program to the Board of Commissioners.
 - (6) Submit annually to the Board of Commissioners 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 Board of Commissioners may require concerning the operations of town departments, offices, and agencies subject to his direction and control.

- (8) Perform any other duties that may be required or authorized by the Board of Commissioners. (G.S. § 160A-148)
- (C) *Acting town manager.* By letter filed with the Town Clerk, the Town Manager may designate, subject to the approval of the Board of Commissioners, a qualified person to exercise the powers and perform the duties of manager during temporary absence or disability. During this absence or disability, the Board of Commissioners may revoke that designation at any time and appoint another to serve until the Town Manager returns or his or her disability ceases.
(G.S. § 160A-149)
- (D) *Interim town manager.* When the position of Town Manager is vacant, the Board of Commissioners shall designate a qualified person to exercise the powers and perform the duties of manager until the vacancy is filled.
(G.S. § 160A-150)
- (E) *Mayor and Commissioners ineligible to serve or act as manager.* Neither the Mayor nor any member of the Board of Commissioners shall be eligible for appointment as Town Manager or Acting or Interim Manager.
(G.S. § 160A-151)

§ 30.06 COMMITTEES APPOINTED BY MAYOR; REPORTS; COMPENSATION.

Committees shall, unless otherwise ordered, be appointed by the Mayor. All committees shall make reports to the Board upon request, and committee members shall receive such compensation for extra and special service as the Board may designate.
(1978 Code, § 2-1006)

§ 30.07 RESIGNATIONS OF MEMBERS.

Resignation of any member of the Board shall be in writing, and such resignation shall lie on the table until the next regular meeting unless accepted by the unanimous consent of all members of the Board.
(1978 Code, § 2-1007)

§ 30.08 COMPENSATION.

The compensation of Board members shall be as provided in the annual budget ordinance, and as the same may be amended from time to time.
(1978 Code, § 2-1008)

Statutory reference:

Compensation of Mayor and Board members, see G.S. § 160A-64

MEETINGS

§ 30.20 REGULAR MEETINGS; TIME AND PLACE.

The regular meetings of the Board shall be held on the first Monday of each month at 7:30 p.m. at the Town Flail unless otherwise designated by the Board. Every member of the Board shall attend all meetings of the Board, unless excused.

(1978 Code, § 2-1021)

Statutory reference:

Quorum, see G. S. § 160A-74

Voting, see G.S. § 160A-75

§ 30.21 SPECIAL MEETINGS.

Special meetings of the Board may be held according to the procedures set out in the applicable General Statutes.

(1978 Code, § 2-1022)

Statutory reference:

Special meetings, see G. S. § 160A-71

§ 30.22 ADJOURNED MEETINGS.

Any meeting of the Board may be continued or adjourned from day to day, or for more than 1 day, but no adjournment shall be for a longer period than until the next regular meeting thereafter.

(1978 Code, § 2-1023)

§ 30.23 ORDER OF BUSINESS.

(A) Unless the Board agrees in advance otherwise, the business of the Board shall be taken up for consideration and disposition at regular meetings in the following order:

- (1) Call to order;
- (2) Reading and disposition of minutes of the previous meeting;
- (3) Reports of boards or standing committees;
- (4) Reports of special committees;
- (5) Unfinished business;
- (6) New business;
- (7) Announcements;

- (8) Adjournment.
- (B) If the Board directs any matter to be the special business of a future meeting, the matter shall have precedence over all other business at that meeting.
(1978 Code, § 2-1024)

§ 30.24 RULES OF PROCEDURE.

- (A) *Agenda.* All reports, communications, ordinances, resolutions, when possible, contract documents or other matters to be submitted to the Board should be delivered or submitted to the Clerk at least 4 days prior to its meeting. The Clerk shall then arrange a list of these matters according to the order of business and furnish each member of the Board and the Town Attorney with a copy prior to the Board meeting and as far in advance of the meeting as time for preparation will permit.
- (B) *Rules of debate and decorum,*
 - (1) *Manner of speaking.* Every member desiring to speak shall address the chair and upon recognition by the Mayor shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.
 - (2) *Interrupting the speaker.* A member, once recognized, shall not be interrupted when speaking, unless it is to call him to order or as herein otherwise provided. If a member, while speaking is called to order, he shall cease speaking until the question of order is determined and, if in order, he shall be permitted to proceed.
 - (3) *Closing debate.* The member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.
 - (4) *Motion to reconsider.* A motion to reconsider a vote may be made only at the same or any adjourned meeting to that at which the vote is taken, or upon notice by one voting with the majority that a motion to reconsider will be made at the next regular meeting. The motion must be made by a member of the Board voting on the prevailing side, but may be seconded by any other member and may be made at any time and have precedence over all other motions or while a member has the floor.
 - (5) *Request to have statement abstracted.* A member may request from the Mayor the privilege of having an abstract of his statement on any subject under consideration by the Board entered in the minutes.
 - (6) *Request to record synopsis of discussion in the minutes.* The Clerk may be directed by the Mayor, with consent of the Board, to enter in the minutes a synopsis of the discussion on any question coming before the Board.
- (C) *Addressing the Board.* Any person desiring to address the Board shall first secure the permission of the Mayor. Any interested parties or their authorized representatives

may address the Board on matters listed on the agenda of the Board. After a motion is before the Board, no person shall address the Board without first securing the permission of the Board to do so.

- (D) *Manner of addressing Board; time limit.* Every person addressing the Board shall attempt to limit his remarks to 10 minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than Board members and the person having the floor, shall be permitted to enter into any discussion either directly or through a member of the Board. No question shall be asked a member except through the Mayor.
- (E) *Voting, explanation of vote.* All elections by the Board shall be made by individual ballot if required by any 2 members present. A member may be permitted to explain his vote and may have his reason for voting for or against any measure recorded in the minutes.
- (F) *Questions of order.* All questions of order shall be decided by the Mayor without debate, subject to an appeal to the Board.
- (G) *Robert's Rules of Order.* When a point of procedure shall arise not covered by this chapter, the latest revised edition of *Robert's Rules of Order* shall determine the question of procedure.
(1978 Code, § 2-1025)

§ 30.25 MEETINGS OPEN TO PUBLIC.

Except as provided in the Open Meetings Law of the state, all meetings of the Board shall be open to the public.

(1978 Code, § 2-1026)

Statutory reference:

Open meetings law, see G.S. §§ 143-318.9 et seq.

ORDINANCES

§ 30.40 PROCEDURE, FORM; PUBLICATION.

Every ordinance amending or repealing any ordinance and every new ordinance shall be proposed in writing and shall be approved as to form by the Town Attorney. Ordinances shall have ordinance and section captions.

(1978 Code, § 2-1041)

§ 30.41 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 statutory time requirements.

(1978 Code, § 2-1042)

§ 30.42 OFFICIAL COPY.

A true copy of an ordinance, which has been duly enacted by the Board, signed by the Mayor, and attested to by the Clerk shall be known as an official copy of any ordinance for the town.

(1978 Code, § 2-1043)

Statutory reference:

Pleading and proving municipal ordinances, see G.S. § 160A-79

§ 30.43 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 Board's minute book. The ordinance book shall be appropriately indexed and maintained for public inspection in the office of the Clerk.

(1978 Code, § 24044)

Statutory reference:

For similar requirements on the ordinance book, see G. S. § 160A-78

§ 30.44 ORDINANCES ADDING TO CODE.

Any ordinance which is proposed to add to the code a new chapter, subchapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter, subchapter or section.

(1978 Code, § 2-1045)

§ 30.45 IMPROPER AMENDING VOID.

It shall be unlawful for members of the Board to annul, abridge, modify or in any way change any ordinance of the Board except at a regular or special meeting of the Board.

(1978 Code, § 2-1046) Penalty, see § 10.99