**CHAPTER 2: ADMINISTRATION**

**CHAPTER** **2:** **ADMINISTRATION**

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*Any administrative ordinances or resolutions of the town not in conflict or inconsistent with*

*the provisions of this code saved from repeal, see  1‑9*

*Civil emergencies, see Ch. 16*

*Law enforcement, see Ch. 22*

*Library, see Ch. 24*

*Utilities, see Ch. 38*

***Statutory reference:***

*Authority to organize city government, see G.S.  160A‑146 et seq.*

***ARTICLE I. IN GENERAL***

**2‑12‑30 RESERVED.**

***ARTICLE II. BOARD OF COMMISSIONERS***

**DIVISION 1. GENERALLY**

**2‑31 MAYOR.**

The Mayor shall preside at meetings of the Board of Commissioners and shall exercise other powers and perform other duties as are or may be conferred and imposed upon him or her by the general laws of the state and by the Charter and the ordinances of the town. He or she shall be recognized as the head of the town government for all ceremonial purposes; he or she shall keep himself or herself informed as to the towns business; and he or she and the Board of Commissioners shall select and supervise the Town Manager.

(1970 Code,  1‑21; 2001 Code,  2‑31)

**2‑32 COMPENSATION.**

The Mayor shall receive compensation at the rate as set from time to time during his or her elected term of office. Each Board member shall receive compensation at the rate as set from time to time during his or her term of office. These amounts shall be payable on the Boards regular meeting date and no other compensation shall be payable for any special meeting. The Mayor or any Board member need not be present at the regular meeting to receive the compensation as set out in this section.

(2001 Code,  2‑32) (Ord. passed 10‑20‑1970; Ord. passed 6‑8 1971)

**2‑33 BOARD MEETINGS.**

The Board of Commissioners shall hold its regular meeting on the second Tuesday of each month, at an hour to be fixed by the Board. The Mayor may call special meetings of the Board as he or she thinks necessary pursuant to G.S.  160A‑71. A majority of the Board of Commissioners shall constitute a quorum for the transaction of business. The Mayor shall preside at all meetings, but shall not have a vote, except in the event of a tie vote deadlocking a decision of the Board. The Mayor pro tempore shall perform the duties of the Mayor in his or her absence, but shall, in no event, be deprived of his or her vote. A tie vote in cases where the Mayor is not present shall be decided in favor of the existing law. The Board of Commissioners shall set the compensation to be received by all employees of the town. The Board is also empowered to establish the rates of taxation, franchise taxes, fees and any other revenue rates or schedules to be used and applied within the corporate limits of the town. These rates, schedules of compensation and other revenue‑related items may be changed by the Board as it deems necessary.

(1970 Code,  1‑1; 2001 Code,  2‑33) (Ord. passed 10‑20‑1970)

**2‑34 ORDER OF BUSINESS.**

(A) At all regular meetings of the Board, the order of business shall be as follows:

(1) Regular meeting:

(a) Call to order; and

(b) Invocation.

(2) Consent agenda:

(a) Approve minutes;

(b) Minutes of Board of Commissioners; and

(c) Tax adjustments.

(3) Public hearing;

(4) Managers report;

(5) Police report;

(6) School report;

(7) Old business;

(8) New business;

(9) Public forum; and

(10) Adjourn.

(B) If the Board directs that any item be considered as a special order of business at a future meeting, the item shall have precedence over all other items of business arising at the meeting.

(1970 Code,  1‑2; 2001 Code,  2‑34)

**2‑35 RULES OF PROCEDURE.**

Except as otherwise provided in this chapter, the procedure of business of the Board of Commissioners shall be governed by *Roberts Rules of Order*, newly revised.

(1970 Code,  1‑3; 2001 Code,  2‑35)

**2‑362‑60 RESERVED.**

**DIVISION 2. ORDINANCES AND RESOLUTIONS**

***Statutory reference:***

*Code of ordinances, see G.S.  160A‑77 et seq.*

**2‑61 OFFICIAL COPIES OF ORDINANCES.**

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

(1970 Code,  1‑51; 2001 Code,  2‑61)

**2‑62 RESOLUTIONS.**

All resolutions enacted by the Board of Commissioners which have a bearing on the laws or administration of the town shall be set out in a book of resolutions, with an index referring to the chapter and section of the code to which it is applicable.

(1970 Code,  1‑53; 2001 Code,  2‑62)

**2‑632‑90 RESERVED.**

***ARTICLE III. OFFICERS AND EMPLOYEES***

***Cross-reference:***

*Any ordinance fixing the: salary of any town officer or employee saved from repeal, see  1‑9*

*Any personnel ordinance saved from repeal, see  1‑9*

*Chief of Fire Department, see  20‑34*

*Superintendent of water system, see  38‑46*

*Zoning Administrator, see  44‑3*

***Statutory reference:***

*Authority to create personnel rules, see G.S.  160A‑164*

**DIVISION 1. GENERALLY**

**2‑912‑110 RESERVED.**

**DIVISION 2. TOWN MANAGER**

***Statutory reference:***

*Town Manager, see G.S.  160A‑148*

**2‑111 APPOINTMENT; REMOVAL OF TOWN EMPLOYEES.**

The town officers and employees, as the Board of Commissioners shall determine are necessary for the proper administration of the town, shall be appointed by the Town Manager and any officer or employee may be removed by him or her; but, the Town Manager shall report every appointment and removal to the Board of Commissioners at the next meeting following any appointment or removal. The officers and employees of the town shall perform duties as may be required of them by the Town Manager under general regulations of the Board of Commissioners.

(1970 Code,  1‑33; 2001 Code,  2‑111)

**2‑1122‑140 RESERVED.**

***ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES***

***Cross-reference:***

*Airport Commission, see  8‑31 et seq.*

*Board of trustees for Gilbert Patterson Memorial Public Library, see  24‑32*

*Planning Board, see  44‑51 et seq.*

*Planning Board and Board of Adjustment rules of procedure, see  44‑111 et seq.*

*Tree Board, see  40‑31 et seq.*

*Zoning Board of Adjustment, see  44‑81 et seq.*

**2‑141 APPOINTMENT OF COMMITTEES.**

The Mayor and the Board of Commissioners shall, as the need arises, appoint committees for the preparation and consideration of business for the action of the Board. Membership on the committees shall not be limited to the Mayor and Board of Commissioners or by residence in the town.

(1970 Code,  1‑4; 2001 Code,  2‑141)

**2‑142 NOTICE OF VACANCY.**

(A) It shall be the duty of the Town Manager to inform the Board of Commissioners as soon as practicable of any existing vacancy and of any vacancy to occur within 60 days by reason of expiration of an appointees term of office on any board or commission to which the Board of Commissioners has authority to make appointments.

(B) Notice to the public of the vacancies shall be posted in a conspicuous place within the town hall and in another manner as the Town Manager may deem appropriate in order to encourage citizens to volunteer to fill vacancies.

(2001 Code,  2‑142) (Ord. 1996‑05(a), passed 8‑13‑1996)

**2‑143 QUALIFICATIONS FOR APPOINTMENT AND REAPPOINTMENT.**

(A) Except as otherwise provided by law or by ordinance of the town, all persons appointed by the Board shall be of voting age and legal residents of the town.

(B) It shall be the policy of the Board of Commissioners to appoint only persons who are current in the payment of all of their obligations to the town, including ad valorem taxes and sewer, water and garbage charges.

(2001 Code,  2‑143) (Ord. 1996‑05(a), passed 8‑13‑1996)

**2‑144 NOTICE OF APPOINTMENT.**

Upon the appointment of any citizen to any board or commission by the Board of Commissioners, the Town Manager shall cause to be sent to the appointee written notice of the appointment, setting forth in brief form the duties of the appointive office and enclosing a copy of this article.

(2001 Code,  2‑144) (Ord. 1996‑05(a), passed 8‑13‑1996)

**2‑145 REMOVAL.**

In the discretion of the Board of Commissioners, any member of any board or commission serving under appointment of the Board of Commissioners may be removed if the member fails to attend three consecutive regular meetings of his or her board or commission or fails to attend at least 75% of the regularly scheduled meetings of the board or commission within any 12‑month period.

(2001 Code,  2‑145) (Ord. 1996‑05(a), passed 8‑13‑1996)

**2‑146 APPOINTMENT TO RECREATION COMMISSION.**

The Board of Commissioners, in its discretion, may appoint one or more persons to the Recreation Commission who reside outside the town.

(2001 Code,  2‑146) (Ord. 1996‑05(a), passed 8‑13‑1996)

***Statutory reference:***

*Qualifications for appointive office, see G.S.  160A‑60 et seq.*

**2‑1472‑180 RESERVED.**

***ARTICLE V. FINANCE***

***Cross-reference:***

*Any ordinance or obligation assumed by the town saved from repeal, see  1‑9*

*Any ordinance or resolution promising or guaranteeing the payment of money for the town*

*or authorizing the issuance of any bonds of the town or any evidence of the towns*

*indebtedness saved from repeal, see  1‑9*

***Statutory reference:***

*Local government finance act, see G.S.  159‑1 et seq.*

**DIVISION 1. GENERALLY**

**2‑1812‑200 RESERVED.**

**DIVISION 2. DISPOSAL OF PROPERTY**

***Statutory reference:***

*Use and disposal of property, see G.S.  160A‑265 et seq.*

**2‑201 AUTHORIZED.**

The Town Manager is authorized to dispose of any surplus personal property owned by the town, whenever he or she determines, in his or her discretion that:

(A) The item or group of items has a fair market value of less than $5,000;

(B) The property is no longer necessary for the conduct of public business; and

(C) Sound property management principles and financial considerations indicate that the interest of the town would best be served by disposing of the property.

(2001 Code,  2‑201) (Ord. 98‑02‑02, passed 2‑16‑1998)

**2‑202 MEANS OF DISPOSAL.**

The Town Manager may dispose of any surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or either consideration, including, but not limited to, the methods of sale provided in G.S.  160A‑266 et seq. The sale may be public or private and with or without notice and minimum waiting period.

(2001 Code,  2‑202) (Ord. 98‑02‑02, passed 2‑16‑1998)

**2‑203 DISPOSITION.**

(A) Surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the town if greater value may be obtained in that manner; and the Town Manager is authorized to execute and deliver any applicable title documents.

(B) If no offers are received within a reasonable time, the Town Manager may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material.

(C) No surplus property may be donated to any individual or organization except by resolution of the Town Commissioners.

(2001 Code,  2‑203) (Ord. 98‑02‑02, passed 2‑16‑1998)

**2‑204 RECORD OF PROPERTY SOLD.**

The Town Manager shall keep a record of all property sold under authority of this division; and that record shall generally describe the property sold or exchanged, to whom it was sold or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

(2001 Code,  2‑204) (Ord. 98‑02‑02, passed 2‑16‑1998)

**2‑2052‑220 RESERVED.**

**DIVISION 3. PURCHASING**

***Statutory reference:***

*Authority to purchase materials or equipment, see G.S.  143‑129 et seq.*

**2‑221 GRANT OF AUTHORITY.**

Subject to the restrictions and conditions of this division, when purchasing apparatus, supplies, materials or equipment for use by the town, in addition to the authority as may be provided by law and/or otherwise delegated by the Town Commissioners, the Town Manager shall have the authority to:

(A) Prepare, or cause to be prepared, plans and/or specifications setting forth a complete description of the items to be purchased and the characteristics, features and/or requirement for purchase;

(B) Include, where appropriate, in specifications for the items to be purchased an opportunity for bidders to purchase as trade in specified personal property owned by the town;

(C) Advertise, or otherwise secure bids, for the items, if required under applicable law;

(D) Award contracts for the purchase of the items and, where applicable, award contracts for the purchase of the items and the sale of trade‑in property;

(E) Reject bids;

(F) Readvertise to receive bids;

(G) Waive bid bond or deposit requirements;

(H) Waive performance and payment bond requirements; and

(I) Execute and deliver the purchase contracts.

(2001 Code,  2‑221) (Ord. 98‑02‑01, passed 2‑16‑1998)

**2‑222 REPORT.**

At the first meeting of the Town Commissioners following the award of any contracts pursuant to this division, the Town Manager shall submit a report to the Town Commissioners summarizing the bids received and the contracts awarded. The report shall be included in the minutes of the meeting at which it is received.

(2001 Code,  2‑222) (Ord. 98‑02‑01, passed 2‑16‑1998)

**2‑223 EXTENT OF AUTHORITY.**

Except in cases of sole‑source purchases pursuant to G.S.  143‑129(f) and cases of purchases from established contracts pursuant to G.S.  143‑129(g), unless otherwise provided by law, the provisions of this division shall apply to the purchase of apparatus, supplies, materials or equipment requiring the estimated expenditure of municipal funds in an amount not to exceed $10,000 for any one item or group of similar items.

(2001 Code,  2‑223) (Ord. 98‑02‑01, passed 2‑16‑1998)

**2‑224 NO LIMITATION OF OTHER AUTHORITY.**

The provisions of this division are not intended to limit, restrict or revoke, in any manner, authority otherwise granted and/or delegated to the Town Manager by statute, law or action of the Town Commissioners.

(2001 Code,  2‑224) (Ord. 98‑02‑01, passed 2‑16‑1998)

**2‑225 APPROPRIATION REQUIRED.**

No purchase shall be made by the Town Manager under authority of this division unless an appropriation for such purpose has been authorized in the annual budget, or by supplemental appropriation or budget appropriation amendment duly adopted by the Town Commissioners.

(2001 Code,  2‑225) (Ord. 98‑02‑01, passed 2‑16‑1998)

**2‑226 APPLICATION OF STATE LAW.**

In acting pursuant to the authority delegated by this division, the Town Manager shall comply with the requirements of G.S.  143‑128 et seq. to the same extent as would have otherwise applied to the Town Commissioners.

(2001 Code,  2‑226) (Ord. 98‑02‑01, passed 2‑16‑1998)