

Chapter 2 ADMINISTRATION

ARTICLE I. IN GENERAL

Secs. 2-1—2-18. Reserved.

ARTICLE II. LEGISLATIVE¹

DIVISION 1. GENERALLY

Secs. 2-19—2-39. Reserved.

DIVISION 2. MEETINGS²

Sec. 2-40. Regular meetings.

The regular meetings of the mayor and the board of commissioners shall be held on the second Monday of each month, at 7:00 p.m., at the town hall, unless otherwise designated by the board of commissioners.

(Prior Code, ch. I, § A(1))

State law reference(s)—Time and place for regular and special meetings, G.S. 160A-71.

Sec. 2-41. Special meetings.

Special meetings may be called when circumstances arise needing attention before the next regularly scheduled board meeting, provided that the public body make written notice available to the public and to the press no less than 48 hours prior to the meeting as provided in section 2-42. The written notice must specify the time, place and the purpose of the meeting.

(Prior Code, ch. I, § A(2))

State law reference(s)—Time and place for regular and special meetings, G.S. 160A-71; notice requirements, G.S. 143-318.12.

¹Charter reference(s)—Mayor and commissioners, § 3; election and terms of mayor and commissioners, § 4.

State law reference(s)—Form of government, G.S. 160A-59 et seq.

²State law reference(s)—Meetings open to the public, G.S. 143-318.9 et seq.

Sec. 2-42. Emergency meetings.

An emergency meeting is one called because of generally unexpected circumstances that require immediate consideration by the board of commissioners. The local media should be notified by whatever means the members are notified and after the members have been notified as provided in section 2-43. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this section.

(Prior Code, ch. I, § A(3))

State law reference(s)—Time and place for emergency meetings, G.S. 160A-71; notice requirements, G.S. 143-318.12.

Sec. 2-43. Notice of public meetings.

- (a) The board of commissioners shall cause a current copy of the schedule of regular meetings, showing the time and place of regular meetings, to be kept on file with the city clerk. If the board of commissioners changes its schedule of regular meetings, it shall cause the revised schedule to be filed with the city clerk at least seven calendar days before the day of the first meeting held pursuant to the revised schedule.
- (b) If the board of commissioners holds an official meeting at any time or place other than a time or place shown on the schedule filed pursuant to subsection (a) of this section, it shall give public notice of the time and place of that meeting as provided in this subsection.
 - (1) If the board of commissioners recesses a regular, special, or emergency meeting held pursuant to public notice given in compliance with this section, and the time and place at which the meeting is to be continued is announced in open session, no further notice shall be required.
 - (2) For any other meeting, except an emergency meeting, the board of commissioners shall cause written notice of the meeting stating its purpose:
 - a. To be posted on the principal bulletin board of the board of commissioners or, if the board of commissioners has no such bulletin board, at the door of its usual meeting room; and
 - b. To be mailed, e-mailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the city clerk or with some other person designated by the board of commissioners.
 - (3) The board of commissioners shall also cause notice to be mailed, e-mailed, or delivered to any person, in addition to the representatives of the media listed in subsection (b)(2) of this section, who has filed a written request with the city clerk. This notice shall be posted and mailed, e-mailed, or delivered at least 48 hours before the time of the meeting. The notice required to be posted on the principal bulletin board or at the door of its usual meeting room shall be posted on the door of the building or on the building in an area accessible to the public if the building containing the principal bulletin board or usual meeting room is closed to the public continuously for 48 hours before the time of the meeting. The public body may require each newspaper, wire service, radio station, and television station submitting a written request for notice to renew the request annually. The board of commissioners shall charge a fee to persons other than the media, who request notice, in an amount on file in the town clerk's office, and may require them to renew their requests quarterly. No fee shall be charged for notices sent by e-mail.
 - (4) For an emergency meeting, the board of commissioners shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire service's, or station's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the board of commissioners. This notice shall be given either by e-mail, by

telephone, or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to those members. This notice shall be given at the expense of the party notified. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this subsection.

- (c) If the board of commissioners has a web site and has established a schedule of regular meetings, the board of commissioners shall post the schedule of regular meetings to the web site.
- (d) If the board of commissioners has a web site that one or more of its employees maintains, the board of commissioners shall post notice of any meeting held under subsections (b)(1) and (b)(2) of this section prior to the scheduled time of that meeting.
- (e) For purposes of this section, an "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the board of commissioners.

State law reference(s)—Similar provisions, G.S. 143-318.12.

Sec. 2-44. Quorum.

A majority of the actual membership of the board of commissioners shall constitute a quorum and no official business of the town shall be transacted by the board unless a quorum is present. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

(Prior Code, ch. I, § A(4))

State law reference(s)—Quorum, G.S. 160A-74.

Sec. 2-45. Minutes.

It shall be the duty of the town clerk to be present at all meetings of the board of commissioners, to keep in a book provided for that purpose a record of all the proceedings of the board.

(Prior Code, ch. I, § A(5))

State law reference(s)—Minutes to be kept, G.S. 160A-72.

Sec. 2-46. Mayor to preside.

The mayor shall preside at all meetings of the board of commissioners, and in his absence the mayor pro tempore shall preside. If both the mayor and the mayor pro tempore are absent, the remaining members may elect a temporary chairperson to preside over the meeting.

(Prior Code, ch. I, § A(6))

State law reference(s)—Compensation of mayor and board, G.S. 160A-64; general powers of mayor and board, G.S. 160A-67; oath of office, G.S. 160A-61; power to preside over board of commissioners meetings, G.S. 160A-69; qualifications of mayor, G.S. 160A-59.

Sec. 2-47. Mayor not to vote.

The mayor shall not vote on any question before the board of commissioners except in a case of a tie vote of the board of commissioners.

(Prior Code, ch. I, § A(7))

State law reference(s)—Voting only where there are equal numbers of votes in the affirmative and the negative, G.S. 160A-69; members excused from voting, G.S. 160A-75.

Sec. 2-48. Committees.

The mayor and board of commissioners may create such committees of the board for special purposes as they deem necessary.

(Prior Code, ch. I, § A(8))

Secs. 2-49—2-69. Reserved.

ARTICLE III. ORDINANCES³

Sec. 2-70. Effective date.

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

(Prior Code, ch. I, § B(1))

Sec. 2-71. Ordinances confined to one subject.

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

(Prior Code, ch. I, § B(2))

Sec. 2-72. Official copy.

A true copy of an ordinance, which has been duly enacted by the board of commissioners, signed by the mayor, and attested to by the town 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.

(Prior Code, ch. I, § B(3))

Sec. 2-73. Ordinances appropriating money.

No appropriation ordinance or an ordinance to alter or repeal an appropriation ordinance shall be enacted at any meeting other than a regular meeting except by a unanimous vote of the entire board of commissioners.

(Prior Code, ch. I, § B(4))

³State law reference(s)—Pleading and proving ordinances, G.S. 160A-79; ordinances, G.S. 160A-174 et seq.

Secs. 2-74—2-104. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES⁴

DIVISION 1. GENERALLY

Sec. 2-105. Town manager.

It shall be the duty of the town manager to cause all ordinances of the town to be enforced, to oversee all daily operations of the town, and to attend all meetings of the board of commissioners. The town manager should be responsible for all duties set forth in the G.S. ch. 160A, and shall perform other duties as directed by the board of commissioners. The town manager serves as the budget officer for the town and also acts as the personnel officer, planner, and zoning administrator.

(Prior Code, ch. I, § C(1))

State law reference(s)—Appointment, G.S. 160A-147; powers and duties, G.S. 160A-148.

Sec. 2-106. Office of the clerk.

- (a) The town clerk shall attend all meetings of the board of commissioners and shall regularly and fairly record all of their proceedings in a book to be kept by him for that purpose. He shall also keep a well-bound book to be styled the Code of Ordinances, in which he shall fairly and correctly transcribe all ordinances which are enacted by the board of commissioners.
- (b) It shall be the duty of the town clerk to keep true, accurate and just books of the dealings and transactions of the town, which books shall show at all times the true condition of the said town, its resources and liabilities and the disposition and use of the monies coming under control of the town.
- (c) The town clerk shall keep or cause to be kept in a safe place all monies, records, and accounts.
- (d) The town clerk/finance officer shall disburse funds for the various purposes of the town only when an appropriation for such purposes has been made in the annual budget or the disbursement is authorized by the town manager.
- (e) The town clerk shall perform such other duties as the board of commissioners may from time to time require.

(Prior Code, ch. I, § C(2))

State law reference(s)—Duties of the clerk, G.S. 160A-171.

Sec. 2-107. Finance officer.

According to G.S. 159-24, each local government and public authority shall appoint a finance officer to hold office at the pleasure of the appointing board or official. The finance officer may be entitled "accountant," "treasurer," "finance director," "finance officer," or any other reasonably descriptive title. The duties of the

⁴State law reference(s)—Offices and public officers, G.S. 128-1 et seq.; administrative offices and personnel, G.S. 160A-146 et seq.

finance officer may be imposed on the budget officer or employee on whom the duties of the budget officer may be imposed.

(Prior Code, ch. I, § C(3))

State law reference(s)—Similar provision, G.S. 159-24.

Sec. 2-108. Chief of police.

The chief of police shall have control over the police department under the supervision of the town manager. The chief shall keep the town manager informed of the department's activities and make such reports that the town manager may require from time to time. The chief shall perform any other duties that may be assigned by the town manager.

(Prior Code, ch. I, § C(4), ch. II, § 5)

State law reference(s)—It shall not be necessary for the Chief of Police of the Town of Spring Hope to reside within the town limits, and all acts of said chief of police shall be lawful and valid in the same manner and to the same extent as if he did reside within the town limits of Spring Hope, Acts of 1963, ch. 69.

Sec. 2-109. Public works director.

The town manager may select a competent person to supervise under his general control the entire water and sewer system of the town. The board of commissioners may from time to time prescribe the duties and responsibilities of the public works director. The public works director, or his assistant, shall, at all reasonable hours, have free access to all premises for the purpose of examining hydrants, fixtures, or connections on which town water pressure is maintained.

(Prior Code, ch. I, § C(5))

Sec. 2-110. Other employees.

Such other employees that are deemed necessary shall be appointed by the town manager in accordance with the personnel policy. Compensation will be set by the town manager in accordance with the approved annual budget. The personnel policy shall be established by the board of commissioners.

(Prior Code, ch. I, § C(6))

Sec. 2-111. Employees' bonds.

The town clerk, the finance officer, and the town manager shall be bonded before entering their duties, post bond in amounts specified by the board of commissioners. all bond premiums shall be paid from town funds. When two officers are combined, such as town clerk and finance officer, only one bond shall be required.

(Prior Code, ch. I, § C(7))

Secs. 2-112—2-135. Reserved.

DIVISION 2. POLICE⁵

Sec. 2-136. Organization.

The police department of the town shall consist of a chief and as many police officers as the board of commissioners may deem necessary.

(Prior Code, ch. II, § 1)

State law reference(s)—Appointment of officers, G.S. 160A-281.

Sec. 2-137. Town manager to oversee department.

The town manager shall have general supervision over the chief of police and of the police department. The town manager may suspend the chief at any time according to proper procedures in the town's personnel policy. If it is deemed necessary to terminate one of the officers, proper procedure will be followed according to the town's personnel policy. The chief shall give the town manager a recommendation, accompanied by evidence, for an officer's termination. The town manager, who also acts as the personnel officer, has the final decision.

(Prior Code, ch. II, § 2)

Sec. 2-138. Uniforms.

All police officers shall wear uniforms as shall be prescribed by the town and shall keep such uniforms in a neat and clean condition, and shall surrender all uniforms and equipment that were provided by the town upon leaving the police department.

(Prior Code, ch. II, § 3)

Sec. 2-139. Duties.

The police department shall carry out all orders of the board of commissioners and the town manager, enforce all laws and ordinances of the town and of the state, and shall at all times preserve the peace, protect the property and the safety of the citizens of the town.

(Prior Code, ch. II, § 4)

State law reference(s)—Arrest powers of police officers, G.S. 148-63.

Secs. 2-140—2-161. Reserved.

⁵State law reference(s)—Law enforcement, G.S. 160A-281 et seq.; oath of office, G.S. 160A-284.

DIVISION 3. FIRE DEPARTMENT

Sec. 2-162. Fire protection.

The town is authorized to establish a fire department with a fire chief and volunteer firefighters. Where not otherwise prescribed, the duties of the fire chief shall be to preserve and care for apparatus, have charge of fighting and extinguishing fires and training the fire department, seek out and have corrected all places and conditions dangerous to the safety of the town and it's citizens from fire, and make annual reports to the council concerning these duties.

(Prior Code, ch. III, § 1)

Secs. 2-163—2-192. Reserved.

ARTICLE V. FINANCE AND PURCHASING⁶

Sec. 2-193. Disbursement of funds.

No money shall be disbursed from the town's treasury except on the order of the finance officer and the town manager, 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.

(Prior Code, ch. I, § D(1))

State law reference(s)—Disbursement of public funds, G.S. 159-25.

Sec. 2-194. Purchasing.

Any town employee purchasing goods without a purchase order from the town manager will be held responsible for the cost of same. Purchase orders shall be obtained when the purchase of any item exceeds \$100.00 and is not an anticipated item of purchase in the annual budget.

(Prior Code, ch. I, § D(2))

⁶State law reference(s)—Local government budget and fiscal control act, G.S. 159-7 et seq.