

TITLE III: ADMINISTRATION

Chapter

- 30. BOARD OF COMMISSIONERS**
- 31. TOWN OFFICERS AND EMPLOYEES**
- 32. BOARDS AND DEPARTMENTS**
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CHAPTER 30: BOARD OF COMMISSIONERS

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BOARD MEETINGS

§ 30.01 TIME AND LOCATION.

(A) *Regular meetings.* The regular meetings of the Mayor and Board of Commissioners of the town shall be held on the first Monday of each month, at 7:30 p.m., at the Town Hall, unless otherwise designated by the Board.

(B) *Special meetings.* Special meetings of the Board may be held, after 48 hours notice, upon the call of the Mayor or upon the request in writing of any two members of the Board of Commissioners. 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 Board of Commissioners of the time and purposes of special meetings. ('59 Code, Chapter A, Article I, §§ 1, 2)

§ 30.02 RULES OF PROCEDURE.

(A) *Quorum.* A majority of the members 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.

(B) *Minutes.* It shall be the duty of the Clerk to be present at all meetings of the Board, to keep in a book provided for that purpose a record of all the proceedings of the Board.

(C) *Mayor to preside.* The Mayor shall preside at all meetings of the Board and in his or her absence the Mayor Pro Tempore shall preside.

(D) *Mayor not to vote.* The Mayor shall not vote on any question before the Board except in the case of a tie vote deadlocking a decision of the Board of Commissioners.
(` 59 Code, Chapter A, Article I, §§ 3 - 6)

§ 30.03 COMMITTEES.

The Mayor and Commissioners may create committees of the Board for special purposes as they deem best.

(` 59 Code, Chapter A, Article I, § 7)

ORDINANCES

§ 30.15 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.

(` 59 Code, Chapter A, Article II, § 2)

§ 30.16 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. All ordinances or a true copy thereof shall be inserted in this code in the proper chapter.

(` 59 Code, Chapter A, Article II, § 3)

§ 30.17 APPROPRIATIONS.

No appropriation ordinance or 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.

(` 59 Code, Chapter A, Article II, § 4)

CHAPTER 31: TOWN OFFICERS AND EMPLOYEES

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- 31.01 Mayor
- 31.02 Town Clerk
- 31.03 Other officers and employees
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§ 31.01 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 Board of Commissioners. It shall further be the duty of the Mayor, within 30 days after the close of each year, to require a report to the Board from the various departments of the town government for the previous year and recommend adjustments as he or she may see fit. The Mayor shall perform other duties as the Board may from time to time require. The Mayor shall be the chief executive officer of the town.

(' 59 Code, Chapter A, Article III, § 1)

§ 31.02 TOWN CLERK.

(A) The Clerk and Finance Officer shall be appointed by the Board at the organizational meeting following the Board's staggered term elections.

(B) The Clerk and Finance Officer, hereinafter called the Clerk, shall have the following duties and powers.

(1) The 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 or her for that purpose. He or she shall also keep a well-bound book to be styled the Code of Ordinances, in which he or she shall fairly and correctly transcribe all ordinances which are enacted by the Board of Commissioners.

(2) It shall be the duty of the Clerk to keep true, accurate, and just books of accounts of the dealings and transactions of the town, which books shall show at all times the true condition of the town, its resources and liabilities, and the disposition and use of the monies coming under the control of the town.

(3) The Clerk shall keep or cause to be kept in a safe place all monies, records, and accounts.

(4) The Clerk shall disburse funds for the various purposes of the town only when an appropriation for such a purpose has been made in the annual budget and the disbursement is authorized by the Board of Commissioners.

(5) The Clerk shall perform other duties as the Board may from time to time require.

(' 59 Code, Chapter A, Article III, § 2)

§ 31.03 OTHER OFFICERS AND EMPLOYEES.

Other officers and employees that are deemed necessary shall be appointed by the Board of Commissioners at the organizational meeting following the Board's staggered meeting term elections. All officers and employees shall serve at the pleasure of the Board and receive such compensation as from time to time may be prescribed by the Board.

(' 59 Code, Chapter A, Article III, § 3)

§ 31.04 BOND.

The Clerk and other officers or employees required by the Board shall, before entering upon their duties, post bond in amounts specified by the Board. All bond premiums shall be paid from town funds. Provided, that when two offices are combined, such as Clerk and Finance Officer, only one bond shall be required.

(' 59 Code, Chapter A, Article III, § 4)

CHAPTER 32: BOARDS AND DEPARTMENTS

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- 32.02 Board to control
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- 32.18 Compensation
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POLICE DEPARTMENT

§ 32.01 ORGANIZATION.

The Police Department of the town shall consist of a Chief and as many police officers as the Board of Commissioners shall from time to time determine and elect, and as many special police officers as the Mayor and Board may deem necessary to appoint for special purposes.

(' 59 Code, Chapter B, § 1)

§ 32.02 BOARD TO CONTROL.

The Board of Commissioners shall have general supervision over the Police Department. The Board may suspend, for cause, any member of the Police Department until the next regular meeting, at which time final disposition shall be made.

(' 59 Code, Chapter B, § 2)

§ 32.03 UNIFORMS.

All police officers shall wear uniforms as shall be provided by the town and shall keep their uniforms in a neat and clean condition, and shall surrender all uniforms and equipment upon leaving the police service of the town if those uniforms and equipment were furnished by the town.

(` 59 Code, Chapter B, § 3)

§ 32.04 DUTIES.

The Police Department shall carry out all orders of the Board, enforce all laws and ordinances of the town and the state, and shall at all times preserve the peace, and protect the property and the safety of the citizens of the town.

(` 59 Code, Chapter B, § 4)

§ 32.05 CHIEF OF POLICE.

The Chief shall have control over the Police Department under the supervision of the Board of Commissioners. The Chief shall keep the Board informed of the Department's activities and make reports that the Board may from time to time require, and he or she shall perform other duties as may be required of him or her by the Board.

(` 59 Code, Chapter B, § 5)

PLANNING BOARD**§ 32.15 ESTABLISHED.**

There shall be a Planning Board for the town, established under the authority of the General Statutes of the state.

(Ord. O-80-003, passed 9-8-80)

Statutory reference:

Establishment and operation of municipal planning boards, see G.S. §§ 160A-360 et seq.

§ 32.16 MEMBERSHIP; TERMS; VACANCIES.

(A) The Planning Board shall consist of seven members, five of whom shall be citizens living within the corporate limits of the town, one of whom shall be a citizen living within the Warren County portion of the town's extraterritorial jurisdiction and one of whom shall be a citizen living within the Halifax

County portion of the town's extraterritorial jurisdiction. The in-town members shall be appointed by the Board of Commissioners of the town. The extraterritorial members shall be appointed in accordance with G.S. 160A-362, for terms of three years except that initial terms shall expire on September 1, 1987.

(B) (1) The initial appointment shall be according to the following terms:

- (a) One member shall be appointed for a term of one year;
- (b) Two members shall be appointed for a term of two years; and
- (c) Two members shall be appointed for a term of three years.

(2) Their successors shall be appointed for terms of three years.

(3) Terms shall expire on September 1. Members shall serve until the expiration of their terms or until their successors have been appointed.

(C) Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the Board of Commissioners of the town.

(D) Faithful attendance at the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Board. Unexcused absence from three consecutive meetings shall be deemed adequate reason for termination of membership on the Planning Board of in-town members by the Littleton Board of Commissioners.

(Ord. O-80-003, passed 9-8-80)

§ 32.17 ORGANIZATION; RULES; MEETINGS; RECORDS.

The Planning Board shall elect a chairperson and may create and fill other offices as it may deem necessary. The term of officers shall be one year or until successors shall have been elected and installed, with eligibility for reelection. Vacancies in officers' positions prior to expiration of terms shall be filled for the period of the unexpired term by the Planning Board. The Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which record shall be a public record. The Board shall hold at least one meeting monthly unless there is no business to be discussed or acted upon, and all of its meetings shall be in accordance with G.S. §§ 143-318.9 *et seq.* A quorum shall consist of four members for the purpose of taking any official action required by this subchapter. All members of the Board shall have voting power on all matters of business. However, any member who is a party in interest to matters under consideration by the Board shall declare that interest prior to a vote of the Board on the question, and shall abstain from voting on the question. This provision shall not prohibit those members from participation in discussions of the Board on those matters prior to a vote. The extraterritorial members may serve as officers.

(Ord. O-80-003, passed 9-8-80)

§ 32.18 COMPENSATION.

All members of the Planning Board shall serve as such without compensation. Members or employees of the Planning Board, when duly authorized by the Planning Board, may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation; and the Planning Board may, by formal and affirmative vote, pay the reasonable traveling expenses incidental to such attendance within the Planning Board's budget and with concurrence of the Board of Commissioners of the town.

(Ord. O-80-003, passed 9-8-80)

§ 32.19 POWERS AND DUTIES.

(A) It shall be the function and duty of the Planning Board to make comprehensive surveys and studies of existing conditions and probable future developments and prepare plans for physical, social, and economic development as will best promote the public health, safety, morals, conveniences, or the general welfare, as well as efficiency and economy in the development of the town. The Planning Board shall have the powers and duties given it by the General Statutes of the state and the Board of Commissioners of the town, including the power to:

- (1) Take studies of the area within its jurisdiction and surrounding areas;
- (2) Determine objectives to be sought in the development of the study area;
- (3) Prepare and adopt plans for achieving objectives;
- (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- (5) Advise the legislative body concerning the use and amendment of means for carrying out plans;
- (6) Exercise any function in the administration and enforcement of various means for carrying out plans that the Board of Commissioners of the town may direct;
- (7) Perform any other related duties that the Board of Commissioners of the town may direct;
- (8) Accept, receive, and disburse in furtherance of its functions any funds, grants, and services made available by the federal government and its agencies, the state government and its agencies, any local government and its agencies, and any private and civic sources, with concurrence of the Board of Commissioners of the town; the Planning Board, with concurrence of the Board of Commissioners of the town, may enter into and carry out contracts with the state and federal government or any agencies thereof under which financial or other planning assistance is made available to the municipality, and may agree to and comply with any reasonable conditions that are imposed upon such assistance;

(9) Enter into and carry out contracts, with the concurrence of the Board of Commissioners of the town, with any other city, county, or regional council or planning agency under which technical planning assistance is furnished; and, with the concurrence of the Board of Commissioners of the town, may enter into and carry out contracts with any other city, county, or regional planning agency for technical planning assistance;

(10) Conduct public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of a development plan for the town; and

(11) Promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations and may employ other means of publicity and education as it may deem necessary.

(B) The Planning Board shall have no power to incur any debt or obligation of the town, nor shall it have any power to make any expenditure of funds of the town unless those funds are specifically provided for in the budget of the town and appropriation made for those purposes by the Board of Commissioners of the town, or unless the incurring of such other obligation is otherwise approved by the Board of Commissioners of the town.

(Ord. O-80-003, passed 9-8-80)

§ 32.20 ANNUAL REPORT; BUDGET.

The Planning Board shall, annually, submit to the Board of Commissioners of the town a written report of its activities and analysis of the expenditures to date for the current fiscal year, and its requested budget of funds needed for operation during the ensuing fiscal year. The Planning Board is authorized to appoint committees and to authorize expenditures within its approved budget as it may see fit, subject to limitations of funds provided for the Planning Board by the Board of Commissioners of the town.

(Ord. O-80-003, passed 9-8-80)

CHAPTER 33: FINANCE

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Disposal of Surplus Property

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PURCHASING

§ 33.01 AUTHORITY OF TOWN CLERK.

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

(A) Prepare, or cause to be prepared, plans and/or specifications setting forth a complete description of the item(s) to be purchased and the characteristics, features, and requirements therefor;

(B) Include, where appropriate, in specifications for the item(s) 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 item(s), if required under applicable law;

(D) Award contracts for the purchase of the item(s) and, where applicable, award contracts for the purchase of the item(s) and the sale of trade-in property;

(E) Reject bids;

(F) Re-advertise to receive bids;

(G) Waive bid bond or deposit requirements;

(H) Waive performance and payment bond requirements; and

(I) Execute and deliver the purchase contract(s).

(Ord. O-98-004, passed 2-23-98)

§ 33.02 REPORT.

At the first meeting of the Board of Commissioners following the award of any contract(s) pursuant to this subchapter, the Town Clerk shall submit a report to the Board of Commissioners summarizing the bids received and the contract(s) awarded. This report shall be included in the minutes of the meeting at which it is received.

(Ord. O-98-004, passed 2-23-98)

§ 33.03 APPLICATION.

Except in cases of sole source purchases pursuant to G.S. § 143-129(e) and cases of purchases from established contracts pursuant to G.S. § 143-129(g), unless otherwise provided by law, the provisions of this subchapter shall apply to the purchase of apparatus, supplies, materials, or equipment requiring the estimated expenditure of municipal funds in an amount not to exceed \$1,000 for any one item or group of similar items.

(Ord. O-98-004, passed 2-23-98)

§ 33.04 OTHER AUTHORITY NOT LIMITED.

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

(Ord. O-98-004, passed 2-23-98)

§ 33.05 APPROPRIATION REQUIRED.

No purchase shall be made by the Town Clerk under authority of this subchapter unless an appropriation for that purpose has been authorized in the annual budget, or by supplemental appropriation or budget appropriation amendment duly adopted by the Board of Commissioners.
(Ord. O-98-004, passed 2-23-98) Penalty, see § 10.99

§ 33.06 GENERAL STATUTES APPLY.

In acting pursuant to the authority delegated by this subchapter, the Town Clerk shall comply with the requirements of G.S. §§ 143-128 *et seq.*, as from time to time amended, modified, supplemented, revised, or superseded, to the same extent as would have otherwise applied to the Board of Commissioners.
(Ord. O-98-004, passed 2-23-98)

§ 33.07 STATUTORY AUTHORITY.

This subchapter is enacted pursuant to the provisions of G.S. § 143-129(a).
(Ord. O-98-004, passed 2-23-98)

DISPOSAL OF SURPLUS PROPERTY**§ 33.20 AUTHORITY OF TOWN CLERK.**

The Town Clerk is hereby 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 interests of the town would best be served by disposing of the property.

(Ord. O-98-005, passed 2-23-98)

§ 33.21 METHODS; GREATEST VALUE.

(A) The Town Clerk may dispose of any thus described surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in G.S. §§ 160A-265 through 160A-279. The sale may be public or private, and with or without notice and minimum waiting period.

(B) The surplus property shall be sold to the party who tenders the highest offer, or exchanged for property or services useful to the town if greater value may be obtained in that manner, and the Town Clerk is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Town Clerk may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the Board of Commissioners.

(Ord. O-98-005, passed 2-23-98) Penalty, see § 10.99

§ 33.22 RECORDS.

The Town Clerk shall keep a record of all property sold under authority of this subchapter, 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.

(Ord. O-98-005, passed 2-23-98)

§ 33.23 STATUTORY AUTHORITY.

This subchapter is enacted pursuant to the provisions of G.S. § 160A-266(c).
(Ord. O-98-005, passed 2-23-98)