

# CHAPTER 30: BOARD OF COMMISSIONERS

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***GENERAL PROVISIONS***

**§ 30.01 MAYOR AND TOWN BOARD OF COMMISSIONERS; POWERS AND DUTIES.**

(A) The Mayor and Town Board of Commissioners shall be charged with the general government and administration of the affairs of the town.

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(B) The powers and duties of the Town Board shall be as set out in the general statutes of the state, the Town Charter, and the ordinances of the town.

(C) The Mayor shall be the chief executive officer of the town, and as that officer, shall perform the following duties:

(1) Keep himself or herself informed as to the town's business;

(2) Preside over the meetings of the Town Board of Commissioners;

(3) Sign all contracts, ordinances, resolutions, franchises, and all other documents as authorized by the Town Board;

(4) Appoint all committees and outline their duties, under the general direction of the Town Board;

(5) Make recommendations to the Town Board concerning the affairs of the town, as he or she deems necessary;

(6) Represent the town at ceremonies and other official occasions; and

(7) Perform other duties as authorized by the general statutes, the Town Charter, and this code of ordinances.

***Statutory reference:***

***Board to organize town government, see G.S.***

***§ 160A-146***

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

**§ 30.02 MAYOR PRO TEM; SELECTION AND DUTIES.**

(A) At the first meeting after their election, the Town Board of Commissioners shall select one of their number to act as Mayor Pro Tem.

(B) The Mayor Pro Tem shall have no fixed term of office, but in that capacity shall perform all the duties of the Mayor in the Mayor's absence or disability.

***Statutory reference:***

*Mayor Pro Tem, see G.S. § 160A-70*

**§ 30.03 BOARD'S POWER OVER EMPLOYEES.**

The Town Board shall have the authority to generally organize and supervise the employees of the town, including the power to:

(A) ***Prescribe rules.*** The Board may prescribe rules and regulations as it shall deem necessary or expedient for the conduct of administrative employees subject to its authority; and shall have the power to revoke, suspend, or amend any rule or regulation;

(B) ***Investigate.*** Either by itself or any officer or person designated for the purpose

by it, the Board may investigate and examine or inquire into the affairs or operation of any department, division, or employee; and shall have the power to employ consultants and professional counsel to aid in investigations, examinations, or inquiries;

(C) ***Overrule officials.*** The Board may set aside any action taken by a town administrative official and may supersede him or her in the functions of his or her office;

(D) ***Delegate duties.*** The Board may direct any official, department, division, or employee to perform work for any other official, department, division, or employee;

**(E) Provide for administrative committees.**

The Board may designate committees as it shall find necessary for the proper consideration of administrative problems. The committees shall meet at the request of the Board and shall make recommendations on matters referred to them as they shall find necessary for the best interest of the town; and

**(F) Summon employees.** The Board may require any employee of the town to appear before and report to the Board at any meeting.

**Statutory reference:**

*Authority of Board to adopt personnel regulations, see G.S. § 160A-164*

*Authority to conduct investigations, see G.S.*

*§ 160A-80*

**§ 30.04 COMMITTEES.**

**(A)** Committees shall, unless otherwise ordered, be appointed by the Town Board. All reports of committees shall be in writing, and committee members shall receive that compensation for extra and special service as the Board may designate.

**(B)** Each committee shall be held responsible for its respective department or the special object for which it is appointed,

and shall make those recommendations to the Mayor and the Board as it deems advisable.

**§ 30.05 COMPENSATION.**

The compensation of the Mayor and Town Board members shall be as provided in the annual budget ordinance, and as the same may be amended from time to time.

**Statutory reference:**

*Compensation of Mayor and Board, see G.S.*

*§ 160A-64*

**§ 30.06 Board involvement**

No board member (Mayor or Commissioner) may be involved with another board while serving on the town board. No board member can be employed by a board that is formed by the town. No board member can be associated with an organization that leases from the town. This is set in place so no board or organization gets special treatment.

***MEETINGS; RULES OF PROCEDURE***

**§ 30.15 REGULAR MEETINGS.**

The regular meetings of the Town Board shall be held on the third Tuesday of each month at 6 p.m. at the Town Hall, unless otherwise designated by the Board. Every member of the Board and officer shall attend all meetings of the Board, unless excused.

**§ 30.16 SPECIAL MEETINGS.**

Special meetings of the Town Board may be held according to the procedures set out in the applicable general statutes.

***Statutory reference:***

*Special meetings, see G.S. § 160A-71*

**§ 30.17 ADJOURNED MEETINGS.**

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

**§ 30.18 ORDER OF BUSINESS.**

(A) At the hour appointed for the meeting of the Town Board, the Mayor shall take the chair and direct a call of the members by the Town Clerk, who shall note the absentees. If a quorum is not present, the Mayor shall send for the absentees, and upon the appearance of a quorum shall call to order and proceed with the order of business. If a quorum fails to attend, the meeting shall stand adjourned to a time agreed upon by a majority of the members present. The Mayor may, when present, substitute any member of the Board to perform the duties of the chair, but substitution shall not extend beyond adjournment, except by special consent of the Board.

(B) 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 or disposition of minutes of the previous meeting;
- (3) Reports of boards and standing committees;
- (4) Reports of special committees;
- (5) Unfinished business or old business;
- (6) New business;
- (7) Announcements and general discussions; and
- (8) Adjournment.

(C) 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.

***Statutory reference:***

*Quorum, see G.S. § 160A-74*

*Voting, see G.S. § 160A-75*

**§ 30.19 RULES OF PROCEDURE.**

(A) ***Agenda.*** All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Town Board should be delivered or submitted to the Town Clerk prior to the meeting.

**(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 or her to order or as otherwise provided under applicable rules of parliamentary procedure. If a member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined and, if in order, he or she shall be permitted to proceed.

(3) ***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.

**(4) *Manner of addressing the Board; time limit.*** Every person addressing the Board shall give his or her name and address for the records, and unless special time is granted by the Board, shall limit his or her remarks to three 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 of a member except through the Mayor.

**(5) *Request to have statement abstracted.*** A member may request from the Mayor the privilege of having an abstract of his or her 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.

**(7) *Voting; individual ballots.*** All elections by the Board shall be made by individual ballot if required by any two members present.

**(8) *Questions of order.*** All questions of order shall be decided by the Mayor without debate, subject to an appeal to the Board.

**(9) *Robert's Rules of Order.*** When any point of procedure shall arise, the latest revised edition of Robert's Rules of Order shall determine the question of procedure.

## ***ORDINANCES AND RESOLUTIONS***

### **§ 30.30 PROCEDURE; 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 numbers and section captions.

### **§ 30.31 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.

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, part, subchapter, or section.

### **§ 30.32 OFFICIAL COPIES.**

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

***Statutory reference:***

***Pleading and proving ordinances, see G.S.***

***§ 160A-79***

### **§ 30.33 ORDINANCE BOOK.**

The Town 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.

***Statutory reference:***

***Ordinance book, see G.S. § 160A-78***

### **§ 30.34 ORDINANCES; ADDITIONS TO CODE.**