



# TOWN OF FARMVILLE

## CODE OF ORDINANCES

### CHAPTER 2 – ADMINISTRATION

#### **Section 1.0 ORDINANCES**

##### 1.1 To Be Written

Every ordinance before final enactment shall be set out in writing for the Board's consideration.

##### 1.2 Amendments

Any ordinance amending, repealing or modifying an existing ordinance shall refer to the Chapter and Section which would be amended, modified or repealed.

##### 1.3 Effective Date

Every ordinance shall be effective immediately unless a different date is stated or unless such effective date is controlled by a state statute, federal law or other superior authority.

##### 1.4 Custody

The official ordinances of the Town of Farmville shall be kept at the Town Hall and shall be in the custody of the Town Clerk.

##### 1.5 Applicability

All ordinances of the Town of Farmville and those which may be enacted in the future shall apply throughout the Town of Farmville, and insofar as lawful, its extraterritorial jurisdiction and to all property rights of way belonging to the Town and located outside the town limits, unless specifically excluded.

#### **Section 2.0 RESOLUTIONS**

The Town Board may, from time to time, pass Resolutions, the originals of which shall be kept in a Resolutions Book, said resolutions to be filed chronologically according to the date of their passage.

## **Section 3.0 OFFICERS OF THE TOWN**

### **3.1 Mayor**

3.1.1 It shall be the duty of the Mayor of the Town of Farmville, in addition to statutory duties, to enforce the ordinances of the Town and decisions of the Town Board and to attend and preside over meetings of the Board.

3.1.2 The Mayor shall perform such other duties as the Board from time to time may require.

3.1.3 The Mayor shall be the chief executive officer and official head of the Town government.

3.1.4 Office of the Mayor Pro Tempore. In the absence of the Mayor from the Town, or in case of the Mayor's death or disability or inability to act, the Mayor Pro Tempore shall become acting Mayor and shall exercise all the authority and perform all the duties of the office of Mayor until such time as the Mayor returns, recovers or an election is held (Ref. G.S. 160A-70).

### **3.2 Town Manager**

3.2.1 Pursuant to the authority of Section 160A-147 the General Statutes of North Carolina granting the Board of Commissioners the power to appoint such officers and agents as may be necessary to enforce their ordinances and regulations, keep their records and conduct their affairs, the Board shall appoint an officer whose title shall be Town manager and who shall be the chief executive officer and the head of the administrative branch of the town government. The Town Manager shall be chosen by the board solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined. At the time of his appointment he need not be a resident of the Town or State, but during his tenure of office he shall reside within the Town. No person elected to membership on the Board shall, subsequent to such election, be eligible for appointment as Town Manager.

3.2.2 The Town Manager shall be appointed for an indefinite term but may be removed by a majority vote of the members of the Board. At least thirty (30) days before such removal may become effective the manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of the members of the Board stating

the Board's intention to remove him and the reasons therefore. The manager may reply in writing to such resolution. If so requested by the manager, the Board shall fix a time for a public hearing upon the question of his removal and the final resolution removing the manager shall not be adopted until such public hearing has been held. Upon passage of a resolution stating the Board's intention to remove the manager, the Board may suspend him from duty, but his pay shall continue until his removal shall become effective as herein described. The action of the Board in removing the manager shall be final. In case of the absence or disability of the manager, the Board may designate a qualified administrative officer of the Town to perform the duties of the manager during such absence or disability.

3.2.3 The Town Manager shall be responsible to the Board for the proper administration of all affairs of the Town placed in his charge, and to that end, subject to the provisions of the Town Charter, and, except as otherwise provided herein, he shall have the power to appoint and remove all officers and employees in the administrative service of the Town. The manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Appointments made by, or under the authority of, the Town Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term unless for provisional, temporary or emergency services.

3.2.4 Any officer or employee whom the Town Manager or a head of a department or office may appoint may be removed by the manager or other appointing officer at any time. Subject to the provisions of subsection 3.2.3, the decision of the manager, or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body or court whatsoever.

3.2.5 Neither the Board nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the Town Manager or any of his subordinates or in any manner take part in the appointment or removal of officers and employees in the administrative service of the Town. Except for the purpose of inquiry, the Board and its members shall deal with the administrative service solely through the manager, and neither the Board of Commissioners nor any member thereof shall give orders to any subordinate of the Town Manager either publicly or privately.

3.2.6 It shall be the duty of the Town Manager:

- (1) to act as Chief Conservator of the peace within the Town;
- (2) to supervise the administration of the affairs of the Town;

- State
- (3) to see that the ordinances of the Town and the laws of the State are enforced;
- Commissioners
- (4) to make such recommendations to the Board of Commissioners concerning the affairs of the Town as may seem to him desirable;
- (5) to keep Board advised of the financial condition and future needs of the Town;
- estimates;
- (6) to prepare and submit to the Board the annual budget estimates;
- (7) to prepare and submit to Board such reports as may be required by that body; and
- (8) to perform such other duties as may be required of him by ordinance or resolution of the Board of Commissioners.

### 3.3 Town Attorney

The Town Attorney shall:

- (1) Prosecute or defend any and all suits or actions at law or equity to which the Town may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the Town, or in the capacity of such person as an officer of the Town;
- (2) See the full enforcement of all judgments or decrees rendered or entered in favor of the Town and of all similar interlocutory orders;
- (3) Draft or review any contract, lease or other document or instrument to which the Town may be a party;
- (4) At the request of the Board, draft ordinances covering any subjects within the power of the Town; and
- (5) Perform any other duties required of him by G.S. 160A-173 and other laws and ordinances.

### 3.4 Employees' Bonds

Every officer, employee or agent of the town who in the course of such person's official duties, shall receive, handle or have custody or control over more than \$1,000.00 of Town funds, negotiable instruments or securities at any time, shall, before entering upon such duties give bond payable to the Town with corporate surety in the amount not less than \$5,000.00 as shall be determined by the Board of Commissioners and in accord with applicable statutes.

### 3.5 Personnel Director

The Town Manager shall serve as personnel director and as such shall:

- (1) Establish and maintain a roster of all employees, in which there shall be set forth as to each employee the class title of the position held, the salary or pay status, and any other necessary data;
- (2) Assign and direct the work of any and all assistants provided for by the Board;
- (3) Advise and consult with the department heads in the development of training programs;
- (4) Develop in consultation with the department heads a system of periodic service ratings of employees, to be administered by the department heads;
- (5) Make annual reports and such special reports as he deems advisable regarding personnel administration and recommendations for improvement therein to the Board;
- (6) Prepare and maintain the classification and compensation plans and after consultation with department heads prepare and present to the Board class specifications and amendments thereto;
- (7) Recommend to the Board amendments to this part and cause all rules and regulations to be published and copies thereof to be given to the department heads and the Board, and to maintain copies in his office;
- (8) Maintain all registers of eligible persons for appointment and make certification from such registers;
- (9) Make such regulations and other administrative memoranda as he may deem necessary, consistent with this Code, relative to his authority hereunder; and
- (10) Perform such other duties as may be required of him by statute or ordinance.

### 3.6 Liability Insurance

The Board of Commissioners may secure liability insurance covering the Board and other officers and employees of the Town during the performance of their official duties.

### 3.7 Retirement Systems

The employees of the Town of Farmville shall be eligible to participate in and receive the full benefits of the North Carolina Local Government Employees' Retirement System and North Carolina Law Enforcement Retirement Systems under and by virtue of the provisions of Chapter 390 of the Public Laws of 1939, amended by Chapter 357 of the Public Laws of 1941 and such statutes as may apply.

The Board of Commissioners of the Town of Farmville shall provide for and make the necessary appropriations and contributions required of participating employers by the provisions of the above mentioned Act.

### 3.8 Department Heads, Relatives

No two department heads shall be persons of the same immediate family; that is husband and wife, brother and sister, parent or child.

## **Section 4.0 COMPENSATION OF GOVERNING BOARD**

The Board may fix its own compensation and the compensation of the Mayor and any other elected officers of the Town by publication of the annual budget ordinance; the salary of an elected officer other than a member of the Board may not be reduced during the then current term of office unless that officer agrees thereto. The Mayor, members of the Board, and other elected officers are entitled to reimbursement for actual expenses incurred in performing their official duties at rates not in excess of those allowed other town officers and employees or the amount which shall be established by the Board for travel and other personal expenses of officers; provided, any fixed allowance so established during the term of office shall not be increased during such term of office. (Ref. G.S. 160A-64)

**Section 5.0 FINANCE, PURCHASING AND LIABILITY**

Any Town employee purchasing goods, materials or services without a purchase order will be held responsible for the cost of same.

**Section 6.0 WAIVER OF IMMUNITY**

The Town of Farmville does not, under Chapter 105 of the Session Laws of 1951, or any other applicable Statute, in any manner waive its governmental immunity as to damages to property or injuries to persons as a result of its activities except to the extent of liability insurance that might be in force at the time of the accident.

**Section 7.0 ELECTIONS**

- 7.1 Elections in the Town of Farmville shall be nonpartisan run-off elections according to G.S. 163.279.
- 7.2 The Town of Farmville has heretofore request that the County Board of Elections conduct its elections according to Statute and herewith ratifies its request and agreement thereto so that municipal elections hereafter shall continue to be conducted by the Pitt County Board of Elections, according to the applicable State Statute.

**Section 8.2 PURCHASING**

- 8.1 In accordance with the Local Government Budget, and Fiscal Control Act, no bill or claim against the town may be paid unless it has been approved by the officer or employee responsible for the function or agency to which the expense is charged. No check or draft of the Town shall be valid unless it bears on its face the certificate of the Finance Officer as follows: "Provision for the payment of this check has been made by an appropriation duly made, pursuant to the Local Government Budget and Fiscal Control Act."

No contract, agreement or purchase order shall be valid unless it bears the Finance Officer's certificate as follows: "Provision for the payment of monies to fall due under

this agreement has been made by appropriation duly authorized, as required by the Local Government Budget and Fiscal Control Act."

- 8.2 The Town Manager shall serve as purchasing agent and as such shall:
- (1) Make all purchases of material, equipment and supplies authorized by the Board at the most favorable price for the Town and shall see that the material, equipment and supplies delivered are correct in number or amount and comply with the standards and specification agreed to at the time of purchase;
  - (2) Establish sets of standards and specifications to control purchases by the Town;
  - (3) Prepare and publish specifications and notices to bidders;
  - (4) Advise the Board as to anticipated needs for purchases and make purchases in advance of needs as authorized by the Board;
  - (5) Store material, equipment and supplies in advance of actual need;
  - (6) Keep records of all purchases made by him and of the destination or ultimate use of such material, equipment and supplies; and
  - (7) Cause to be kept an inventory of all municipal property in his custody and of all municipal property in the custody of the other officers and employees of the Town.
- 8.3 The Town Finance Officer shall pay all bills, invoices, and other indebtedness of the Town of Farmville on the due date of said payment, and if not due date, then the 10th day of each month. All checks of the Town of Farmville must be countersigned by the Mayor, Mayor Pro-Tem or Town Manager. The Finance Director shall allow no penalty or late charge to be paid by the Town of Farmville without prior approval of the Town Board at a regular meeting.

**Section 9.0 ADMINISTRATION OF THE TOWN**

- 9.3 The Mayor of the Town of Farmville shall review the agenda and determine the order thereof for each meeting of the Town Board. (Amended July 12, 1994--Sections 8.4, 9.1)