

CHAPTER 31: OFFICERS AND EMPLOYEES

Section

Town Manager

- 31.15 Office Created
- 31.16 Duties
- 31.17 Duties as Finance Officer

Town Attorney

- 31.25 Appointment
- 31.26 Duties

Town Clerk

- 31.41 General Duties
- 31.42 Duties as Tax Collector

TOWN MANAGER

§ 31.15 OFFICE CREATED.

Pursuant to G.S. §§ 160A-101 and 160A-102, the Town charter, as set out in Chapter 320 of 1893 Private Laws of North Carolina, as amended, the Town shall operate under the Council-Manager form of government, in accordance with G.S. §§ 160A-247 *et seq.* and any charter provisions not in conflict therewith. (Ord. passed 2-1-94)

The Board of Commissioners shall appoint a Town Manager to serve at its pleasure. The Manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the city or state at the time of his appointment. The office of Town Manager is hereby declared to be an office that may be held concurrently with other appointive (but not elective) offices pursuant to Article VI, § 9, of the Constitution (G.S. 160A-147).

Reference: Session Laws 2007-138 effective June 28, 2007.

§ 31.16 DUTIES.

The Town Manager shall be the Chief Administrator of the Town. He shall be responsible to the Board of Commissioners for administering all municipal affairs placed in his charge by them, and shall have the following powers and duties:

(1) He shall appoint and suspend or remove all Town officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the Town Attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the Board of Commissioners may adopt;

(2) He shall direct and supervise the administration of all departments, offices, and agencies of the Town, subject to the general direction and control of the Board of Commissioners, except as otherwise provided by law;

(3) He shall attend all meetings of the Board of Commissioners and recommend any measures that he deems expedient;

(4) He shall see that all laws of the state, the Town charter, and the ordinances, resolutions, and regulations of the Board of Commissioners are faithfully executed within the Town;

(5) He shall prepare and submit the annual budget and capital program to the Board of Commissioners;

(6) He shall annually submit to the Board of Commissioners and make available to the public a complete report on the finances and administrative activities of the Town as of the end of the fiscal year;

(7) He shall make any other reports that the Board of Commissioners may require concerning the operations of Town departments, offices, and agencies subject to his direction and control;

(8) He shall perform any other duties that may be required or authorized by the Board of Commissioners. (G.S. 160A-148)

§ 31.17 DUTIES AS FINANCE OFFICER.

It shall be the duty of the Town Manager, in his capacity as Finance Officer, to:

(A) Receive and keep an account of all monies which shall be paid into his hands on behalf of the Town and deposit same;

(B) Render a full and complete statement of his receipts and disbursements to the Board at its regular meetings and at other times as the Board may require;

(C) Make an annual transcript of all receipts and disbursements of accounts of the Town. ('81 Code, § 2-168)

TOWN ATTORNEY

§ 31.25 APPOINTMENT.

At the first regular meeting following its election and qualification, the Board of Commissioners shall appoint a Town Attorney. ('81 Code, § 2-151).

Statutory reference: *Town Attorney, see G.S. § 160A-173*

§ 31.26 DUTIES.

The Board of Commissioners shall appoint a Town Attorney whose duties shall be to:

(A) 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 the person as an officer of the Town:

(B) See to the full enforcement of all judgments or decrees rendered or entered in favor of the Town;

(C) See to the completion of all special assessment proceedings and condemnation proceedings;

(D) Draft or review any contract, lease, or other document or instrument to which the Town may be a party, and approve all ordinances and resolutions of the Board of Commissioners as to form;

(E) At the request of the Board of Commissioners, draft ordinances covering any subjects within the power of the Town;

(F) Attend meetings of the Board of Commissioners on request; and

(G) Perform any other duties required of him by G.S. 160A-173 and other laws and ordinances.

Statutory Reference: Duties of the attorney, see G.S. 160A-173.

TOWN CLERK

§ 31.41 GENERAL DUTIES.

It shall be the duty of the Town Clerk to:

(A) Attend all meetings of the Board.

(B) Keep an accurate record of all proceedings of the Board.

(C) Make financial reports and statements as the Board may require.

(D) Keep the books of accounts of the Town, which shall show the following:

(1) A detailed statement of all monies collected for the Town by all Town officers and officials.

(2) All property belonging to the Town and income derived there-from.

(3) A separate account for each department of the Town government.

(E) Keep the original of all ordinances and the corporate seal.

(F) Keep a record of all officers and employees, who are receiving compensation, who are under bond, and the amount and surety on the bonds; and all who are required to take oath before being admitted to office.

(G) Act as Tax Collector [see § 31.42].

(H) Perform other duties as may be assigned to him by the Town Manager or by law. ('81 Code, § 2-167). **Statutory reference:** Duties of Town Clerk, see G.S. § 160A-171

§ 31.42 DUTIES AS TAX COLLECTOR.

It shall be the duty of the Town Clerk, in his capacity as Tax Collector:

- (A) To employ all lawful means to collect all property, dog, license, privilege and franchise taxes with which he is charged by the governing body.
- (B) To give bonds as may be required of him by the Board under the provisions of G.S. § 105.349.
- (C) To perform duties in connection with the preparation of the tax records and tax receipts as the Board may direct under the provisions of G.S. §§ 105-319 and 105-320.
- (D) To keep adequate records of all collections he makes.
- (E) To account for all monies coming into his hands in the form and detail as may be required by the chief accounting officers of the Town.
- (F) To make settlement at the times required by G.S. § 105-373 and at any other time the Board may require him to do so.
- (G) To submit to the Board at each of its regular meetings a report of the amount he has collected on each year's taxes with which he is charged, the amount remaining uncollected, and the steps he is taking to encourage or enforce payment of uncollected taxes.
- (H) To send bills or notices of taxes due to taxpayers if instructed to do so by the Board.
- (I) To visit delinquent taxpayers to encourage payment of taxes if instructed to do so by the Board. ('81 Code, § 2-169)

Cross-reference: *Taxation, §§ 33.15 through 33.31*

Statutory references: *Collection of taxes on property, see G.S. § 105-271 et seq. Tax Collector, see G.S. § 105-349 et seq.*