

## **CHAPTER 1 ADMINISTRATION**

### **ARTICLE I. CRIMINAL HISTORY**

For procedure and standards on obtaining criminal history for any part-time or full-time employee, volunteer, intern, or persons wishing to request certain permits for businesses or business owners, see Chapter 4- Police, Article VIII. Criminal History.

### **ARTICLE II. GOVERNING BODY**

#### **Section 1-1. Regular meetings**

The regular meetings of the Mayor and the Governing body of the Town of Holly Ridge shall be held on the second Tuesday of each month, at 6:00 P.M., at the Town Hall unless otherwise designated by the board.

#### **Section 1-2. Special meeting**

Special meetings of the Council may be held in accordance with North Carolina General Statutes 143-318.9 through 143-318.18 and may be called by the Mayor or any two members of the governing body.

#### **Section 1-3. Quorum**

A majority of the members of the governing body shall constitute a quorum and no official business of the Town shall be transacted by the Council unless a quorum is present.

#### **Section 1-4. Minutes**

It shall be the duty of the clerk to be present at all meetings of the said Governing body, to keep in a book provided for that purpose a record of all the proceedings of the Council.

#### **Section 1-5. Mayor to preside**

The mayor shall preside at all meetings of the governing body and in his absence the Mayor Pro Tempore shall preside.

#### **Section 1-6. Mayor not to vote**

The mayor shall not vote on any question before the governing body except in the case of a tie vote deadlocking a decision of the governing body.

### **Section 1-7. Committees**

The Mayor and governing body may create such committees of the council for special purposes as they deem best.

### **Section 1-8 – 1-20 (Reserved)**

## **ARTICLE III. ORDINANCE REGULATIONS**

### **Section 1-21. 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.

### **Section 1-22. Ordinances generally confined to one subject**

All ordinances shall be confined to one subject except appropriation ordinances which shall be confined to one subject of appropriations only. An ordinance adopting a new code may address multiple subjects.

### **Section 1-23. Official copy**

A true copy of an ordinance, which has been duly enacted by the Council, 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 article.

### **Section 1-24. 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 unanimous vote of the entire Council.

### **Section 1-24 – 1-34 (Reserved)**

## **ARTICLE IV. OFFICERS AND EMPLOYEES**

### **Section 1-35. Duties of the mayor**

The powers and duties of the mayor shall be such as are conferred upon him by law, together with such other powers and duties as may be conferred upon him by the council pursuant to law. The mayor shall be recognized as the official head of the city for the purpose of service of civil process, and for all ceremonial purposes. NCGS 160A-67

### **Section 1-36. Duties of mayor pro-tempore**

At the organizational meeting, the council shall elect from among its members mayor pro tempore to serve at the pleasure of the council. A councilmember serving a mayor pro tempore shall be entitled to on all matters and shall be considered councilmember for all purposes, including the determination of whether a quorum is present. During the absence of the mayor, the council may confer upon the mayor pro tempore any of the powers and duties of the mayor. If the mayor should become physically or mentally incapable of performing the duties of his office, the council may by unanimous vote declare that he is incapacitated and confer any of his powers and duties on the mayor pro tempore. Upon the mayor's declaration that he is no longer incapacitated, and with the concurrence of a majority of the council, the mayor shall resume the exercise of his powers and duties. In the event both the mayor and mayor pro tempore are absent from a meeting, the council may elect from its members a temporary chairman to preside in such absence.

### **Section 1-37. Duties of the governing body**

The government and general management of the city shall be vested in the governing body.

### **Section 1-38. Duties of manager**

The manager shall be the chief administrator of the town. He shall be responsible to the Council 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 city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the city attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the governing body may adopt.
- (2) He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the council as a whole, except as otherwise provided by law.
- (3) He shall attend all meetings of the council and recommend any measure 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 council are faithfully executed within the town.
- (5) He shall prepare and submit the annual budget and capital program to the governing body.
- (6) He shall annually submit to the governing body and make available to the public a complete report on the finances and administrative activities of the city as of the

end of the fiscal year.

- (7) He shall make any other reports that the governing body 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 governing body.

### **Section 1-39. Acting manager**

By letter filed with the city clerk, the manager may designate, subject to the approval of the governing body, a qualified person to exercise the powers and perform the duties of manager during his temporary absence or disability. During this absence or disability, the governing body may revoke that designation at any time and appoint another to serve until the manager returns or his disability ceases.

### **Section 1-40. Interim manager**

When the position of city manager is vacant, the governing body shall designate a qualified person to exercise the powers and perform the duties of manager until the vacancy is filled.

### **Section 1-41. Persons ineligible to serve as manager**

Neither the mayor nor any member of the council shall be eligible for appointment as manager or acting or interim manager.

### **Section 1-42. Duties of financial officer**

- (a) The finance officer shall have the following powers and duties and will:
  - (1) keep the accounts of the local government or public authority in accordance with generally accepted principles of governmental accounting and the rules and regulations of the governing body.
  - (2) disburse all funds of the local government in strict compliance with this chapter, the budget ordinance, and each project ordinance and shall pre-audit obligations and disbursements as required by this Chapter.
  - (3) as often as may be requested by the governing body or the manager shall prepare and file with the board a statement of the financial condition of the local government.
  - (4) receive and deposit all monies accruing to the local government, or supervise the receipt and deposit of money by other duly authorized officers and employees.

- (5) maintain all records concerning the bonded debt of the local government, determine the amount of money that will be required for debt service during each fiscal year, and maintain all sinking funds.
  - (6) supervise the investment of idle funds of the local governments.
  - (7) perform such other duties as may be assigned to him by law, by the manager, budget officer, or governing board, or by rules and regulations of the local government.
- (b) All references in other portions of the general statutes, local acts, or city charters to county, city, special district, or public authority accountants, treasurers, or other officials performing any of the duties conferred by this section on the finance officer shall be deemed to refer to the finance officer.
- (c) Except as otherwise provided by law, all checks or drafts on an official depository shall be signed by the finance officer or a properly designated deputy finance officer and countersigned by another official of the local government designated for this purpose by the governing board. If the board makes no other designation, the chairman of the board or chief executive officer of the local government or public authority shall countersign these checks and drafts. The governing body of a unit may waive the requirements of this subsection if the board determines that the internal control procedures of the unit or authority will be satisfactory in the absence of dual signatures.
- (d) The governing body has authority to issue rules and regulations having the force of law governing procedures for the receipt, deposit, investment, transfer, and disbursement of money and other assets by units of local government and public authorities, may inquire into and investigate the internal control procedures of a local government or public authority, and may require any modifications in internal control procedures which, in the opinion of the governing body, are necessary or desirable to prevent embezzlements or mishandling of public monies.

**Section 1-43. Duties of the clerk**

- (a) There shall be a city clerk who shall give notice of meetings of the governing body, keep a journal of the proceedings of the council, is the custodian of all city records, and shall perform any other duties that may be required by law or the governing body.
- (b) The governing body may provide for a deputy city clerk who shall have the full authority to exercise and perform any of the powers and duties of the city clerk that may be specified by the governing body.

#### **Section 1-44. Employees bonds**

The officers and/or employees having access to town funds shall post a bond in the amount specified by the governing body. All bond premiums shall be paid from the town funds.

#### **Section 1-45 – 1-55 (Reserved)**

### **ARTICLE V. PROCEDURE FOR PUBLIC HEARING**

#### **Section 1-56. Purposes**

Public hearings are held with the express intent to receive information and comments from interested citizens on the specific project at hand. The purpose of public hearings is for a public body to hear individual comments and not for open debate. Procedures for conducting public hearings are established in order to insure that the hearing will be conducted in an orderly manner and that persons wishing to speak will be afforded an equal opportunity to do so. The intent of public hearings can best be served by adhering to established procedures.

#### **Section 1-57. Procedures**

- (a) Every person who wishes to address the governing body should register at a place provided at the entrance of the room in which the public hearing is to be held. Persons wishing to register shall provide their name, and address, in a printed fashion.
- (b) Speakers will be called from the registration list by name and in numerical order to a microphone or other set position or place for speaking.
- (c) When speakers begin their address to the governing body, the speaker should state his or her name and address for the governing body.
- (d) The speaker should address the governing body directly as it is the governing body which is conducting the public hearing. Speakers should confine comments to the issue at hand.
- (e) An equal time limit will apply to all speakers. A timer will be used and a buzzer or other signal will signify the end of the allotted time. Speakers will be asked to observe the signal and be seated at the end of their allotted time. In order to allow the maximum number of people to speak for comment will be limited to three (3) minutes per person.
- (f) Each public hearing and comments made by the Governing body and/or speakers from the public will be tape recorded to facilitate record keeping.

- (g) Individuals who sign the registration form to speak must speak when called. Registrants will not be allowed to donate their allotted time to another speaker.

**Section 1-58. Removal from public hearing**

Any person who violates this ordinance shall be removed from the place of the public hearing.

**Section 1-59 – 1-69 (Reserved)**

**Article VI. FINANCE AND PURCHASING**

**Division 1. Generally**

**Section 1-70. Disbursement of funds.**

No money shall be disbursed from the town treasury unless the item for which the disbursement is made has been provided for in the annual budget, except in the case of an extreme emergency, or if the governing body makes an amendment to the budget.

**Section 1-71. Purchasing.**

- (a) Before any order is given for items to be paid by the town or any purchase made by any town employee, the finance officer must be advised and shall issue a purchase order.
- (b) Any town employee purchasing goods without a purchase order from the finance officer will be held responsible for the cost of same.
- (c) Both the finance officer and the town manager shall approve all purchase orders before funds can be expended.
- (d) The governing body may limit the amount of purchase orders that may be approved by an employee and require such approval through the governing body.

**Division 2. – Disposition of personal property**

**Section 1-72. Procedures.**

The procedures set forth herein are simplified procedures for disposal by the town of personal property valued at less than \$500.00. The said procedures are designed to secure for the town the fair market value of all property disposed of and to accomplish the disposal efficiently and economically. In adopting these regulations, the town has recognized that the cost of disposing of personal property valued at less than \$500.00 for any one time or group of items is so expensive as to prohibit the efficient and proper effectuation of the town's needs.

### **Section 1-73. Property declared to be surplus.**

The governing body or town manager may declare surplus any personal property valued at less than \$500.00 for any one item or group of items. In doing so, the governing body shall set its fair market value and may provide for the disposal thereof as set forth elsewhere herein.

### **Section 1-74. Individual official's powers**

No individual governing body member may authorize the disposal of any property owned by the town.

### **Section 1-75. Sale or exchange**

The governing body or manager shall have the authority to provide for and authorize the private sale or exchange of property subject to these regulations. No publication shall be required and no other notice shall be required of any such private exchange or sale. However, the governing body shall request that any such private exchange or sale be proposed and that a written memorandum thereof be made by the party other than the town, but when impractical as determined by the governing body, the governing body may direct its manager to set forth the circumstances of the private exchange or sale and make same a part of the record of the governing body.

### **Section 1-76. Applicable statutes**

The state open meetings law, as well as any other applicable statutes, shall remain in effect. Consideration of the disposal of surplus property may be made in an executive session, according to the open meetings law, but any action pertaining thereto shall be made in open session.

## **ARTICLE VII. - BOARDS, COMMISSIONS AND AGENCIES**

### **Section 1-77. Beautification Committee established**

Pursuant to the state general statutes, there is hereby created a town beautification committee to perform the functions and duties herein prescribed.

### **Section 1-78. Purpose**

The purpose of the beautification committee will be to:

- (1) Advise the governing body of improvements needed in various areas of the town to make the same more attractive.



- (2) Plan and develop projects for the improvement and/or enhancement of the town; to also pursue grant funds available for beautification of the town.
- (3) Advise the town of the maintenance/upkeep on any project such as watering, planting, weeding, etc.

#### **Section 1-79. Membership; vacancies; attendance**

- (a) The beautification committee shall consist of five members and an unlimited number of volunteers. All shall be residents of the town or in the extraterritorial area, and shall be appointed by the governing body; the members of the committee shall serve for terms of four years.
- (b) Vacancies occurring for reasons other than expiration of the term shall be filled as they occur for the unexpired remainder of the term by the governing body. Faithful attendance at meetings of the committee is to be considered a prerequisite for continued membership, and the governing body may remove and replace any member continually delinquent in his duty to attend. The absence of any member from three consecutive regular meetings without leave, except when such absence is made necessary by sickness or other similar causes ruled an emergency nature, will declare vacant the seat of such member, in which event the vacancy thus created shall be filled by the governing body.

#### **Section 1-80. Quorum**

A majority of the members consist of a quorum, and a quorum must be present in any given meeting in order to conduct official meetings.

#### **Section 1-81 Meetings.**

Regular meetings of the committee shall be held at the town hall on the first Tuesday of every month at 1:00 p.m. A written notice of the regular meetings shall be filed with the town clerk by the secretary of the governing body in compliance with the open meetings law of the state. Special meetings may be called by the chairperson or upon written request from a majority of the committee.

#### **Section 1-82. Organization, rules and records.**

- (a) The committee shall elect a chairperson and a secretary for a term of one year with eligibility for re-election. The secretary of the committee shall keep accurate records and minutes which shall be public record. The committee shall hold at least one meeting monthly and all of its meetings shall be open to the public.

- (b) Election of officers shall be held at a regular meeting held in December of each year. New officers shall take office at the regular January meeting each year.

**Section 1-83 Attendance of governing body meetings.**

The committee shall appoint at least one member to attend and report to the governing body at such meetings as the governing body may require from time to time and, in any event, at least quarterly.

**Section 1-84. Powers and duties.**

The committee may conduct such public hearings as may be required to gather information necessary for drafting, establishment, maintenance and inquiry pursuant to purposes for which the committee has been established.

**Section 1-85. Annual report.**

The committee shall, in April of each year, submit in writing to the town manager, a report of its activities and an analysis of expenditures to date for the current fiscal year. It shall also submit to the town manager for budget consideration any requested budget and a report indicating proposed activities for the coming year.

**Section 1-86. Onslow County Water and Sewer Authority (ONWASA) Appointment**

The town council shall appoint an elected member from the board to fill a position on the ONWASA Board of Directors. This appointment will normally be done at the organizational meeting of newly elected officials.

**Section 1-87. Housing Authority Appointment, qualifications and tenure of commissioners  
Per N.C.G.S. 157-5**

An authority shall consist of not less than five nor more than eleven commissioners appointed by the mayor and the mayor shall designate the first chair. No commissioner may be a city official. At least one of the commissioners appointed shall be a person who is directly assisted by the public housing authority. However, there shall be no requirement to appoint such a person if the authority: (i) operates less than 300 public housing units, (ii) provides reasonable notice to the resident advisory board of the opportunity for at least one person who is directly assisted by the authority to serve as a commissioner, and (iii) within a reasonable time after receipt of the notice by the resident advisory board, has not been notified of the intention of any such person to serve. The mayor shall appoint the person directly assisted by the authority unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority. If the commissioner directly assisted by the public housing authority ceases to receive such assistance, the commissioner's office shall be abolished and another person who is directly assisted by the public housing authority shall be appointed by the mayor.

No commissioner who is also a person directly assisted by the public housing authority shall be qualified to vote on matters affecting his or her official conduct or matters affecting his or her own individual tenancy, as distinguished from matters affecting tenants in general. No more than one third of the members of any housing authority commission shall be tenants of the authority or recipients of housing assistance through any program operated by the authority.

The council may at any time by resolution or ordinance increase or decrease the membership of an authority, within the limitations herein prescribed.

The mayor shall designate overlapping terms of not less than one nor more than five years for the commissioners first appointed. Thereafter, the term of office shall be five years. A commissioner shall hold office until his or her successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. A majority of the commissioners shall constitute a quorum. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his or her services but he or she shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his or her duties.

When the office of the first chair of the authority becomes vacant, the authority shall select a chair from among its members. An authority shall select from among its members a vice-chair, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. An authority may call upon the corporation counsel or chief law officer of the city for such legal services as it may require or it may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper. (1935, c. 456, s. 5; 1971, c. 362, ss. 2-5; 1981, c. 864; 1999-146, s. 1.)