

CHAPTER 31: TOWN OFFICIALS AND EMPLOYEES

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GENERAL PROVISIONS

§ 31.01 ELECTION PROCEDURE.

The nonpartisan plurality method shall be used to determine the results of municipal elections, pursuant to G.S. § 163-292. ('81 Code, § 2-31) (Res. of 12-13-71)

§ 31.02 DUTIES AND RESPONSIBILITIES OF TOWN OFFICIALS AND EMPLOYEES.

The duties and responsibilities of town officers and employees shall be those duties and responsibilities fixed by state statute, Town Charter or town ordinance from time to time. ('81 Code, § 2-7)

§ 31.03 EMPLOYEE'S BOND.

All officers and employees required by the Board of Commissioners shall, before entering their duties, post bond in amounts specified by the Commission. All premiums shall be paid by the town. ('81 Code, § 2-9)

§ 31.04 COMPENSATION.

All officers and employees of the town shall receive such compensation as the Board of Commissioners may, from time to time, determine.
(‘81 Code, § 2-10)

§ 31.05 USE OF TOWN EQUIPMENT BY PERSONNEL.

(A) It shall be the policy of the town to utilize its personnel and equipment for public purposes as opposed to the utilization of such resources in competition with private enterprise. Town equipment and operating personnel, when available and when properly authorized, may be used for private purposes, if comparable private equipment is not available to alleviate the needs of the resident. Any such use of equipment and personnel will be charged to the user on an established schedule of charges.

(B) The policy enunciated in this section shall not apply in the event of an emergency situation involving the life or health of area residents. Charges for any services thus rendered will, however, be invoiced in accordance with the appropriate charge schedules.

(C) A schedule of charges is hereby established for personnel services performed by town employees while on duty status. Any such use of town personnel will not be in competition with private enterprise except in cases of emergency or instances in which the health or life of an area resident may be in jeopardy. Proper authorization for such service will be obtained. A copy of the schedule of charges adopted by the Town Commission shall remain on file and open to public inspection at the office of the Town Manager.

(‘81 Code, § 2-6) (Res. 74-103, passed 3-11-74)

CONFLICTS OF INTEREST PROHIBITED

§ 31.10 CONFLICTS OF INTEREST PROHIBITED.

(A) The town’s policy is to prohibit elected or appointed officers or employees of the town from engaging in any activity which could constitute a conflict of interest. Town officers and employees are obligated to always act in the best interest of the town. This obligation requires that any officer or employee, in the performance of town duties, seek only the furtherance of the town’s mission. At all times, town officers and employees are prohibited from using their job title, or the town's name or property, for private profit or benefit.

(B) Town officers or employees should neither solicit nor accept gratuities, favors, or anything of monetary value from contractors/vendors.

(C) No town officer or employee shall participate in the selection, award, or administration of a purchase or contract with a vendor where, to his knowledge, any of the following has a financial interest in that purchase or contract:

1. The officer or employee;
2. Any member of their immediate family;
3. Their partner;
4. An organization in which any of the above is an officer, director, or employee;
5. A person or organization with whom any of the above individuals is negotiating or has any arrangement concerning prospective employment.

(D) Any possible conflict of interest shall be disclosed by the person or persons concerned.

(E) When a conflict of interest is relevant to a matter requiring action by the board of commissioners, the interested person(s) shall call it to the attention of the board of commissioners and said person(s) shall not vote on the matter. In addition, the person(s) shall not participate in the final deliberation or decision regarding the matter under consideration and shall retire from the room during the vote of the board of commissioners. When there is a doubt as to whether a conflict exists, the matter shall be resolved by vote of the board of commissioners, excluding the person(s) concerning whose situation the doubt has arisen.

(F) The official minutes of the board of commissioners shall reflect that the conflict of interest was disclosed and the interested person(s) was (were) not present during the final discussion or vote and did not vote on the matter.

(Ord. 2003-4, passed 6-17-03)

TOWN MANAGER

§ 31.15 DUTIES.

(A) The Town Manager shall perform the duties which are inherent in the following functions:

- (1) Town Budget Officer
- (2) Town Clerk
- (3) Town Personnel Officer
- (4) Town Purchasing Officer

(5) Town Public Relations Officer

(6) Town Treasurer

(B) The Town Manager may delegate such of the above functions to other town employees except those which are established by North Carolina Statutes or those specifically assigned to him by the Board of Commissioners.

('81 Code, § 2-8) (Ord. passed 3-14-74)

Editor's note: *As required by state law, the Town Manager shall appoint the Town Clerk and the Town Tax Collector, and unless otherwise designated by the Board of Commissioners, the Town Manager shall serve as the Finance Officer.*

The Board of Commissioners shall from time to time appoint the Town Attorney.