

## CHAPTER 2.

## ADMINISTRATION.

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Article I. In General.

*For charter provisions as to incorporation and general powers of town, and the exercise of such powers, see Char., §§ 1.1 to 1.3. As to Official Map and description of boundaries of town, and alteration of boundaries, see Char., §§ 2.1, 2.2. As to town money and fiscal matters, see Char., §§ 7.1, 7.2. As to claims against the town, see Char., § 10.1.*

*For state law as to cities and towns generally, see G.S., chs. 160A and 160. As to local government finance, see G.S., ch. 159. As to allowance of claims against the town, see G.S., § 159-25.*

Sec. 2-1. Compensation of town personnel; disposition of fees received.

Officers, employees and agents of the town shall receive for their services such compensation as may be provided for them in the annual budget or other ordinances or resolutions of the board of aldermen.

Fees paid to officers, employees or agents of the town for services rendered in the course of their official duties shall be turned over by them to the town finance officer as other money belonging to the town.

*For state law as to compensation of mayor and aldermen, see G.S., § 160A-64.*

Sec. 2-2. Official bonds of town officers, employees and agents.

(a) Every officer, employee or agent of the town who in the course of his official duties receives, handles or has custody of or control over more than one hundred dollars of town funds, negotiable instruments or securities at any time shall, before entering upon his duties as such officer, employee or agent and within ten days of his election or appointment, give bond, payable to the town, with corporate surety, in such amount not less than one thousand dollars as shall be determined by the board of aldermen, and conditioned upon the faithful performance of his duties, to give a true accounting of all town funds, negotiable instruments and securities received or handled by him or coming within his custody or under his control, and payment thereof to the town; provided, that the bond of the town treasurer shall be in the amount of not less than fifteen thousand dollars and the bond of the town tax collector shall be not less than fifteen thousand dollars; and provided further, that during any period when two or more positions are held by the same person, the bond for such person shall be in the amount of not less than the highest amount required for any one of such positions.

(b) The board of aldermen may adopt a system of blanket faithful performance and honesty bonding as an alternative to the individual bonds provided in subsection (a) of this section; provided, that the amounts as specified in subsection (a) for the positions named therein shall remain the same as therein specified.

(c) The premiums on all bonds required by this section shall be paid by the town.

(d) The board of aldermen shall approve all bonds required by this section with respect to their sufficiency; and such bonds shall be in the custody of the town clerk.

*For state law as to fidelity bond required of persons handling town money, see G.S., § 160A-65. As to bond required of municipal finance officers, see G.S., § 159-29. As to bond required of municipal tax collectors, see G.S., § 105-349.*

Sec. 2-3. Access to public records and property.

No person shall remove any record, document, book or other paper belonging to the town, or any other town property, from the office or place where it properly belongs, without authority from the custodian thereof, who may require a receipt therefor, except on written order from the board of aldermen or the mayor or pursuant to a valid subpoena duces tecum. All public records and accounts shall be available to the public for inspection and use during all regular business hours in the offices where maintained.

Article II. Board of Aldermen.

*For Charter provisions as to general powers of the town and exercise thereof by board of aldermen, see Char., §§ 1.1 to 1.3. As to composition of the board of aldermen, see Char., § 3.1. As to presiding officer of the board, and mayor's vote in case of tie, see Char., § 3.2. As to duty of board to elect a mayor pro tempore, see Char., § 3.2. As to terms and qualifications of members of the board, and filling vacancies, see Char., § 3.3. As to organization of board, and oaths of office, see Char., § 3.4. As to meetings of the board, see Char., § 3.5. As to quorum of board, and votes required for passage of ordinances and certain resolutions and motions, see Char., § 3.6. As to adoption, amendment, repeal, pleading and proof of ordinances, and entry of ayes and noes in the minutes, see Char., § 3.7. As to election of mayor and aldermen, see Char., § 4.1. As to duty of town clerk to keep journal of proceedings of the board, see Char., § 6.1. As to town officers to be appointed by board of aldermen, see Char., §§ 5.1, 6.1 to 6.5.*

*For state law as to exercise of corporate powers of town by board of aldermen, see G.S., § 160A-12. As to filling vacancies in elective offices, see G.S., § 160A-62. As to compensation of mayor and aldermen, see G.S., § 160A-64. As to composition of governing body, see G.S., § 160A-66. As to general powers of governing body, see G.S., § 160A-67. As to organization and procedures of board of aldermen, see G.S., § 160A-68 et seq. As to power of board of aldermen to organize town government, see G.S., §*

160A-146. As to administration of towns having mayor-council form of government, see G.S., §§ 160A-155 to 160A-159. As to general ordinance making power of board of aldermen, see G.S., § 160A-174. As to requirements and procedures relating to the budget and other fiscal matters, see the Local Government Finance Act, G.S., ch. 159. As to failure of aldermen to raise sufficient revenue for operating expenses, see G.S., § 159-36. As to allowance of claims against the town, see G.S., § 159-25. As to investigative and subpoena powers, see G.S., § 160A-80. As to the conduct of public hearings, see G.S., § 160A-81.

Sec. 2-4. Time and place of regular meetings.

A regular meeting of the board of aldermen shall be held on the first ~~Monday~~ of each month, in the board room of the town hall, to be called to order ~~at 7:30 P.M.~~, provided, that when the first Monday of any month falls upon a holiday the regular meeting for such month shall be held on the second Monday; and provided further, that if the board room be not available for any meeting the board of aldermen may fix another place within the town for such meeting.

*For charter provision as to duty of board of aldermen to fix a suitable time and place for its regular meetings, which shall be held at least once each month, and procedure and requirements governing special meetings, see Char., § 3.5.*

*For state law as to duty of board of aldermen to fix the time and place for its regular meetings, see G.S., § 160A-71, subsec. (a). As to how special meetings may be called, and what business may be transacted at special meetings, see G.S., § 160A-71, subsec. (b).*

Sec. 2-5. Conduct of meetings; preservation of order; appeals from decisions of the chair.

At the hour appointed for the meeting of the board of aldermen, the presiding officer shall take the chair and direct a call of the members by the clerk, who shall take note of the absentees, and, upon the appearance of a quorum the presiding officer shall call the board to order and proceed with the order of business; but if a quorum shall fail to attend, the meeting shall stand adjourned to a time agreed upon by a majority of the members present; pro-

vided, that the members present may direct any police officer of the town to apprehend absentees and bring them to the meeting place forthwith.

The presiding officer shall preserve order and decorum at all times. . He shall decide all questions of order, subject to appeal to the entire board present. On every appeal from his decision, he shall have the right, in his chair, to assign his reasons for his decision, and any member of the board may state the grounds for his appeal, but no other debate shall be allowed on an appeal from the presiding officer's decision.

Sec. 2-6. Order of business at regular meetings; verification of minutes.

At each regular meeting of the board of aldermen the order of business shall be as follows:

*A* (a) Reading the proceedings of the last regular meeting and other special meetings, if any shall have been held.

(b) Correction of the minutes if necessary, and their approval, and when approved the minutes shall be signed by the presiding officer and the clerk.

(c) Consideration of unfinished business appearing upon the minutes from last or any other previous meeting.

(d) Reports from the regular standing committees, in their regular order as named in their appointment.

(e) Reports from any special committees theretofore appointed.

(f) Reading of petitions, memorials and other communications addressed to the mayor and board of aldermen.

(g) Consideration of any new business brought before the board.

Deviations from the foregoing order of business shall be permitted by majority vote of the members present.

*Needs to be changed*  
Sec. 2-7. Rules governing proceedings.

Parliamentary proceedings of the board of aldermen shall be governed by Robert's Rules of Order, except as may be provided otherwise by state law, the town Charter, this Code or other ordinance or resolution of the board of aldermen.

Sec. 2-8. Agenda for regular meetings.

(a) The town clerk shall prepare a written agenda for each regular meeting of the board of aldermen, in sufficient number of copies for himself, the mayor, each alderman and representatives of the news media who report meetings of the board; and all such copies shall be made available to such persons at the town clerk's office not later than 12:30 P.M. on the day of the next regular meeting to which they relate.

✓ (b) The mayor and any alderman having any item of business to be considered at a regular meeting of the board of aldermen shall notify the town clerk thereof not later than 4:00 P.M. on the Friday next preceding the day of the next regular meeting at which he desires such item of business to be considered.

(c) When the Friday next preceding the day of a regular meeting falls upon a holiday, actions required and time limits prescribed by this section for Friday shall apply to the last business day, other than Saturday, preceding the day of the regular meeting.

(d) At each regular meeting of the board of aldermen the presiding officer shall require adherence to the agenda; provided, that the board may, by majority vote of the members present, consider matters not included in the agenda.

Sec. 2-9. Petitions and other written communications to board of aldermen.

Petitions and other written communications to the board of aldermen shall be addressed to the mayor and board of aldermen and shall be filed in the office of the town clerk not later than 2:00 P.M. on the Friday next preceding the day of the regular meeting at which it is desired that they be considered by the board, in order to be placed on the agenda for the next regular meeting.

Sec. 2-10. Appearance and hearing of nonmembers.

(a) Department heads and other town officers shall attend any meeting of the board of aldermen upon request by the mayor or by the board and, upon recognition by the chair, they shall address the board upon such subjects as may be put to them by the mayor or by any alderman. Department heads and other town officers may, of their own volition, attend any regular meeting of the board of aldermen and request the chair to be recognized to speak on any subject within the scope of their respective offices.

(b) Other nonmembers of the board of aldermen who desire to be heard by the board on subjects of interest to them and which are within the jurisdiction of the board may file with the town clerk a written request for such hearing

under the provisions of section 2-9; provided, that each such request shall state the name, address, occupation and telephone number (if any) of the applicant; the subject requested to be heard, and the applicant's interest in such subject. Requests by corporations, associations and other groups shall be signed by an officer thereof and shall designate by name not more than two persons for whom the privilege of addressing the board of aldermen is desired. No person within the purview of this subsection shall speak until recognized by the chair for such purpose; and if the mayor or any alderman shall object to any person being heard under this subsection the objection shall be put to a vote of the board of aldermen and if the objection is sustained by a majority of the members present the hearing shall not be allowed. Any person addressing the board of aldermen under this subsection shall be subject to such time limit as may be specified by the chair, which may be extended only by majority vote of the members present.

### Article III. Planning Board.

*For state law as to authority of municipalities and counties relating to planning and regulation of development, see G.S., § 160A-360 et seq. As to authority of municipalities to create planning agencies, see G.S., § 160A-361.*

#### Sec. 2-11. Established; jurisdiction.

There is hereby established a board to be known as the "East Spencer Planning Board" (referred to in this Code as the "planning board"), whose jurisdiction shall include the town. (7-3-72, § 1.)

#### Sec. 2-12. Composition; terms; vacancies.

The planning board shall be composed of five members who shall be residents of the town and shall be appointed by the board of aldermen. The planning board members' terms which existed prior to July 3, 1972, shall continue as have been assigned by the board of aldermen. Terms of all members appointed by the board of aldermen shall be for three years; except, that in the case of a vacancy occurring during a term, it shall be filled by the board for the unexpired portion of such term. (7-3-72, § 2.)

#### Sec. 2-13. Powers and duties.

(a) It shall be the duty of the planning board to prepare plans, and to coordinate the plans of this town and those of other communities so as to bring about a coordinated and harmonious development of the area. The board shall be empowered:

(1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions.

(2) To prepare, and from time to time amend and revise, a comprehensive and coordinated plan for the physical development of the area.

(3) To establish principles and policies for guiding action in the development of the area.

(4) To prepare and recommend ordinances promoting orderly development of the area along the lines indicated in the comprehensive plan.

(5) To determine whether specific proposed developments referred to it by governmental or private agencies in the area conform to the principles and requirements of the comprehensive plan for the area and to make recommendations concerning them.

(6) To keep the board of aldermen and the general public informed and advised as to these matters.

(7) To make any other recommendations which it sees fit for improving the development of the area.

(8) To perform any other duties which may lawfully be assigned to it.

(b) In carrying out such powers and duties, such board may:

(1) Within the limits of any funds appropriated to it, given to it or otherwise made available to it, appoint such employees and engage such consultants as it may require.

(2) Within the limits of funds appropriated to it, given to it or otherwise made available to it, acquire property and materials for its use and incur other necessary expenses.

(3) Authorize its agents or employees or members, in performance of their official duties, to enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

(4) Perform any of the actions authorized for municipal planning boards by sections 160A-360 through 160A-370 of the General Statutes of North Carolina. (7-3-72, § 3.)