

# **CHAPTER 1**

## **LEGISLATION AND ADMINISTRATION**

### **ARTICLE I. BOARD OF COMMISSIONERS**

#### **Section 1-1 Regular Meetings**

The Board of Commissioners shall regularly meet on the second Monday in each month at 7:30 p.m. in the Town Hall, or such other place within the Town as may be designated.

#### **Section 1-2 Special Meetings**

Special meetings of the Board may be called by the Mayor when deemed necessary, and shall be called upon the written request of a majority of the Commissioners. All commissioners not present at a special meeting shall be notified.

#### **Section 1-3 Adjourned Meetings**

If a quorum shall fail to attend any regular or special meeting, or if for any reason such meeting shall fail to complete transaction of the business before the meeting, said meeting may be adjourned to any date prior to the next regular meeting, agreed upon by a majority of the members present.

#### **Section 1-4 Quorum**

A majority of the members of the Board of Commissioners shall constitute a quorum for the transaction of business.

#### **Section 1-5 Presiding Officer**

The Mayor, when present, shall preside at meetings of the Board. In the absence of the Mayor, the Mayor Pro Tempore, when present, shall preside. In the absence of both the Mayor and the Mayor Pro Tempore, a Chairman Pro Tempore shall be chosen by the Board to preside.

#### **Section 1-6 Record of Proceedings**

The Town Clerk shall make a record of all proceedings at meetings of the Board, and shall preserve such record in a book maintained for that purpose. In the absence of the Town Clerk or in case of a vacancy in that office, an Acting Clerk may be appointed to make such record.

**Section 1-7 Order of Business**

The order of business at all regular meetings of the Board shall be as follows:

1. Call to order.
2. Reading of minutes of last meeting.
3. Additions or corrections to minutes.
4. Reports of Committees.
5. Reports of Officers.
6. Unfinished business.
7. Reading communications.
8. New business.

If the Board directs any matter to be the special business of a future meeting, the same shall have precedence over all other business at such meeting.

**Section 1-8 Conduct of Meeting**

Meetings of the Board shall be conducted in accordance with the following:

1. No proposition shall be entertained by the presiding officer until it has been seconded.
2. Every proposition shall, when requested by the Mayor or any member, be reduced to writing.
3. The previous question may be called at any time by a majority of the members present. The ayes and noes may be called for by any member.
4. When a question is under consideration, no motion shall be received except the following, which shall have precedence in the order named:
  - a) To lay on the table.
  - b) To postpone to a time certain.
  - c) To postpone indefinitely.
  - d) To refer to a committee.
  - e) To amend.
  - f) To strike out or to insert.
  - g) To divide.
  - h) A motion to adjourn shall always be in order and shall be decided without debate.

**ARTICLE II. MAYOR AND MAYOR PRO TEMPORE**

**Section 1-12 Vote of Mayor**

When there is an equal division of the Board upon any question or in the election of officers, the Mayor may vote to break the tie, but he shall have no vote under any other circumstances.

**Section 1-13 Duties of Mayor**

It shall be the duty of the Mayor to:

Preside over all meetings of the Board of Commissioners.

1. Vote in case of a tie.
2. Keep himself informed as to all matters affecting the government of the Town.
3. Sign, with the Clerk and Treasurer, all warrants or orders for the payment of public funds.
4. Make such recommendations as he deems necessary or expedient to the Board of Commissioners from time to time.
5. Sign all ordinances approved by him and state in detail his reasons to the Board for refusing to sign any ordinance.
6. Appoint such committees as he or the Board of Commissioners shall from time to time deem necessary for the proper and efficient government of the Town.
7. Perform such other duties as the nature of his office may require.
8. Shall be acting Chief of Police of the Town of Hertford during any interval in which the regular Chief of Police is absent from his duties, due to vacation, illness, or any other reason.

**Section 1-14 Duties of Mayor Pro Tempore**

In the absence of the Mayor, the Mayor Pro Tempore shall preside at meetings of the Board of Commissioners and perform all others duties of the Mayor, but shall still have a right to vote on all matters.

## **ARTICLE III. CODE AND ORDINANCES**

### **Section 1-18 Official Code**

This Code shall at all times be kept up to date, and shall be the Official Code of the Town of Hertford.

### **Section 1-19 Repeal or Ordainment of Chapters, Articles, or Sections**

Not more than one chapter, article, or section of the Code shall be amended, repealed, or ordained by any one ordinance, unless such chapters, articles, or sections are consecutive.

### **Section 1-20 Proposed Ordinances**

Every ordinance amending or repealing any ordinance, and every new ordinance, shall be proposed in writing, signed by the Commissioner presenting the same, and approved as to form by the Town Attorney.

### **Section 1-21 Amending Ordinances**

If the Board shall desire to amend any existing article or section of this Code, said article or section shall be specifically repealed and a new article or section, containing the desired amendment, substituted in its place.

### **Section 1-22 Supplementing Ordinances**

Any ordinance which is proposed to add to the existing Code a new chapter, article, or section shall indicate, with reference to the arrangement of this Code, the proper number of such chapter, article, or section. In addition to such indication thereof as may appear in the text of such proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

### **Section 1-23 Effective Date of Ordinances**

No ordinance shall be in force until it has been advertised at three public places in the Town for a period of five days.

## ARTICLE IV. TOWN CLERK

### **Section 1-25 Appointment and Compensation of Town Clerk**

The Board of Commissioners shall appoint some qualified person to serve as Town Clerk, and shall fix his compensation.

### **Section 1-26 Duties of Town Clerk**

It shall be the duty of the Town Clerk to:

1. Attend all meetings of the Board of Commissioners.
2. Keep a correct record of all the proceedings of the Board of Commissioners.
3. Perform the duties of the municipal accountant in accordance with the provisions of the Municipal Fiscal Control Act.
4. Perform all duties incident to the collection of the town taxes, pursuant to G.S. 105-373, in accordance with the provisions of the Machinery Act.
5. Keep the Board of Commissioners advised of the financial condition and future needs of the Town.
6. Prepare and submit to the Board of Commissioners the annual budget estimate.
7. Prepare and submit to the Board of Commissioners such reports as may be required by that body.
8. Perform such other duties as may be required of him by ordinance or resolution of the Board of Commissioners.

## **ARTICLE V. TOWN ATTORNEY**

### **Section 1-30 Appointment and Compensation of Town Attorney**

The Town Attorney shall be appointed by the Board of Commissioners, who shall also fix his compensation.

### **Section 1-31 Duties of Town Attorney**

It shall be the duty of the Town Attorney to:

1. Prosecute and defend suits for and against the Town.
2. Advise the Mayor, Board of Commissioners, or any other official of the Town with respect to matters connected with the affairs of the Town.
3. Attend all meetings of the Board of Commissioners.
4. Draw all legal documents connected with the affairs of the Town.
5. Draw proposed ordinances when requested to do so.
6. Inspect and pass upon all agreements, contracts, franchises, and other instruments in which the Town may be concerned.
7. Perform such other duties as may be required of him by virtue of his position as Town Attorney.