

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 224
SENATE BILL 279

AN ACT TO PROVIDE FOR AN ELECTION IN THE TOWN OF FARMVILLE ON
THE QUESTION OF AMENDING THE TOWN CHARTER TO ESTABLISH
THE OFFICE OF TOWN MANAGER.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Farmville shall call and conduct, on the day of the regular Town election in 1969, a special election upon the question of amending the Town Charter to establish the office of Town Manager, as provided in Section 4 of this Act. No new registration of voters shall be required for such special election, and all qualified voters who are registered prior to the regular registration period for the regular 1969 Town election, and all who register during such period, shall be entitled to vote in the special election. The special election shall be conducted in accordance with the provisions of law relating to regular Town elections, except that the Board of Commissioners shall cause a notice of such special election to be published once at least fifteen days prior to the day of election in a newspaper published in or having substantial circulation in the Town, in lieu of any other notice required by any other provision of general or local law.

Sec. 2. At such special election, ballots shall be provided which contain the words "For Town Manager Government" and "Against Town Manager Government", with appropriate squares so that each voter may designate by his cross (X) mark his preference.

Sec. 3. If a majority of the votes cast in such special election shall be cast "For Town Manager Government", then Section 4 of this Act shall become effective on July 1, 1969. If a majority of the votes cast in such special election shall be cast "Against Town Manager Government", then Section 4 of this Act shall have no force and effect.

Sec. 4. Subject to the provisions of Section 3 of this Act, Sections 13 through 18 of Chapter 36 of the Session Laws of 1965 are hereby rewritten to read as follows:

"Sec. 13. Appointment of Town Manager. The Board of Commissioners shall appoint a Town Manager, who shall be the administrative head of the Town government responsible for the administration of all Town departments. He shall be appointed with regard to merit only, and need not be a resident of the Town when appointed, but shall reside therein during his tenure. He shall hold office at the pleasure of the Board of Commissioners, and shall receive such compensation as it may fix.

"Sec. 14. General Duties of Town Manager. The Town Manager shall:

"(a) be the administrative head of the Town government;

"(b) see that within the Town the laws of the State and the ordinances, resolutions, regulations and policies of the Board of Commissioners are faithfully executed;

"(c) attend all meetings of the Board of Commissioners;

"(d) make reports to the Board of Commissioners from time to time upon the affairs of the Town, and keep the Board fully advised of the Town's financial condition and its future financial needs;

"(e) make such recommendations to the Board of Commissioners as he shall from time to time deem expedient.

"Sec. 15. Fiscal Duties of Town Manager. The Town Manager shall prepare the Town budget in accordance with the general laws of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required: To maintain accounting control over the finances of the Town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the Town and such subsidiary accounts and cost records as may be required by ordinance or by the Board of Commissioners for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments or agencies of the Town government; to examine and approve all contracts, orders and other documents by which the Town incurs financial obligation, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the Town government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the Town government to the Mayor and Board of Commissioners, and to take monthly reports on funds, appropriations, allotments, encumbrances, and authorized payment to the Mayor, the Board of Commissioners and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained by any department or agency of the Town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the Town government as the Board of Commissioners may require by ordinance.

"Sec. 16. Appointment and Removal of Officers and Employees. Such Town officers and employees as the Board of Commissioners shall determine are necessary for the proper administration of the Town, except the Town Attorney, shall be appointed by the Town Manager, and such officers and employees may be removed by the Town Manager. The Town Manager shall report every appointment or removal of a department head to the Board of Commissioners at its next regular meeting following such appointment or removal. The officers and employees subject to appointment by the Town Manager shall perform such duties as may be required by him, under general policies of the Board of Commissioners.

"Sec. 17. Consolidation of Functions and Offices. The Board of Commissioners may consolidate in one or more offices the functions and duties of Town Clerk, Town Tax

Collector, and Town Treasurer, or may assign the duties of one or more of such offices to the holder or holders of any other of such offices.

"Sec. 18. Town Attorney. The Board of Commissioners shall appoint a Town Attorney, who shall serve at the pleasure of the Board and shall receive such compensation as it may fix. The Town Attorney shall be an attorney at law who shall have qualified to practice in the State of North Carolina. He shall be the chief legal advisor of and attorney for the Town and all departments and officers thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the Board of Commissioners; to give advice in writing when so requested, to the Board of Commissioners or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the Town may be a party; to prepare all contracts, bonds and other instruments in writing in which the Town is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the Board of Commissioners may require. In addition to the duties imposed upon the Town Attorney by this Charter or required by ordinance or resolution of the Board of Commissioners, he shall perform any duties imposed upon the chief legal officers of municipalities by law."

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. Subject to the provisions of Section 3 hereof, this Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1969.