

CHAPTER 30: GENERAL PROVISIONS

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§ 30.01 MANAGER.

(A) *Appointment.*

- (1) The Council shall appoint a Manager to serve at its pleasure.
- (2) The Manager shall be appointed solely on the basis of his or her executive and administrative qualifications.
- (3) He or she need not be a resident of the town or state at the time of his or her appointment.

(B) *Power and duties.*

- (1) The Manager shall be the Chief Administrator of the town.

(2) He or she shall be responsible to the Council for administering all municipal affairs placed in his or her charge by them, and in addition to those powers and duties assigned to him or her by the Town Charter and by other provisions of law, he or she shall:

(a) Appoint and suspend or remove all town officers and employees not elected by the people, except those whose appointment or removal is otherwise provided for by law, in accordance with general personnel rules, regulations, policies or ordinances as the Council may adopt;

(b) Direct and supervise the administration of all departments, officers and agencies of the town, subject to the general direction and control of the Council, except as otherwise provided by law;

(c) Attend all meetings of the Council and recommend any measure that he or she deems expedient;

(d) 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;

(e) Prepare and submit the annual budget and capital program to the Council;

(f) Annually submit to the Council and make available to the public a complete report of the finances and administrative activities of the town as of the end of the fiscal year;

(g) Make any other reports that the Council may require concerning operations of town departments, offices and agencies; and

(h) Perform any other duties that may be required or authorized by the Council.

(1981 Code, § 3-1)

§ 30.02 SURPLUS PERSONAL PROPERTY.

(A) The Town Manager is hereby authorized, pursuant to G.S. § 160A-266(c), to dispose of any surplus personal property owned by the Town of Liberty, whenever he or she determines, in his or her discretion, that:

- (1) The item or group of items has a fair market value of less than \$5,000;
- (2) The property is no longer necessary for the conduct of public business; and

(3) Sound property management principles and financial considerations indicate that the interests of the town would best be served by disposing of the property.

(B) The Town Manager may dispose of any surplus personal property by any means which he or she judges reasonably

calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in G.S. Ch. 160A, Article 12. The sale may be public or private, and with or without notice and minimum waiting period.

(C) The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the town if greater value may be obtained in that manner, and the Town Manager is hereby authorized to execute and deliver any applicable title documents.

(D) If no offers are received within a reasonable time, the Town Manager may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material.

(E) No surplus property may be donated to any individual or organization except by resolution of the Town Council.

(F) The Town Manager shall, on or before the first day of February, report in writing to the Town Council on any property disposed of under these provisions from July 1 through December 31 of the previous year, and shall, on or before the first day of August, report in writing to the Town Council on any property disposed of under these provisions from January 1 through June 30 of that year.

(G) The written report shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange since the last report was submitted.

(Ord. passed 2-22-1999)

§ 30.03 CLERK.

(A) *Appointment.* There shall be a Town Clerk, who shall be appointed as provided in the Town Charter.

(B) *Duties.* The Town Clerk shall:

- (1) Give notice of meetings of the Council;
- (2) Keep a journal of the proceedings of the Council;
- (3) Record in a book kept for the purpose all ordinances and resolutions;
- (4) Be the custodian of all town records; and
- (5) Perform other duties as are prescribed by law or by the Town Charter or required by the Council or by the Manager.

(1981 Code, § 3-2)

§ 30.04 ATTORNEY.

The Council shall appoint a Town Attorney to serve at its pleasure and shall prescribe his or her duties and fix his or her rate of compensation.

(1981 Code, § 3-3)

§ 30.05 FINANCE OFFICER.

(A) *Appointment.* The Town Manager shall appoint a Finance Officer.

(B) *Duties.* The duties of the Finance Officer shall be to:

- (1) Keep the town's accounts in accordance with generally accepted principles of governmental accounting and the rules and regulations of the Local Government Commission;
- (2) Disburse all funds of the town in strict compliance with the Local Government Budget and Fiscal Control Act, the budget ordinance, and each project ordinance, and pre-audit obligations and disbursements as required by the Local Government Budget and Fiscal Control Act;
- (3) Prepare and file with the Council a statement of the financial condition of the town whenever requested to do so by the Council or the Manager;
- (4) Receive and deposit all monies accruing to the town and supervise the receipt and deposit of money by other duly authorized officers or employees;
- (5) Maintain all records concerning the town's bonded debt, and 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 the town's idle funds; and
- (7) Perform other duties as may be assigned to him or her by law, by the Manager, the budget officer, the Council or by rules and regulations of the Local Government Commission.

(1981 Code, § 3-4)

§ 30.06 BUDGET DIRECTOR.

The Town Manager shall be the Budget Director. The Budget Director shall perform those duties and responsibilities assigned to him or her by the Local Government Budget and Fiscal Control Act, being G.S. §§ 159-7 through 159-42.

(1981 Code, § 3-5)

§ 30.07 TAX COLLECTOR.

(A) Appointment.

(1) There shall be a Tax Collector, who shall be appointed as provided in the Town Charter.

(2) The Tax Collector shall not begin his or her duties until he or she has furnished a bond in accordance with G.S. § 105-349(c), nor shall he or she continue collecting taxes after the bond has expired without renewal.

(B) Duties. In addition to other duties and responsibilities provided by law, the Tax Collector shall:

(1) Employ all lawful means to collect all property, dog license, privilege and franchise taxes with which he or she is charged by the Council;

(2) Perform duties in connection with the preparation of the tax records and tax receipts as the Council may direct under the provisions of G.S. §§ 105-319 and 105-320;

(3) Keep adequate records of all collections he or she makes;

(4) Account for all monies coming into his or her hands, in a form and detail as may be required by the Finance Officer;

(5) Make settlement at the times required by G.S. § 105-373 and at any other times the Council may require him or her to do so;

(6) Submit to the Council at each of its regular meetings a report of the amount he or she has collected on each year's taxes with which he or she is charged, the amount remaining uncollected and the steps he or she is taking to encourage or enforce payment of uncollected taxes;

(7) Send bills or notices of taxes due to taxpayers if instructed to do so by the Council; and

(8) Visit delinquent taxpayers to encourage payment of taxes if instructed to do so by the Council.

(C) Deputy Tax Collector. The Council may appoint 1 or more Deputy Tax Collectors. The term of office, removal procedures and bonding requirements of the Deputy Tax Collector shall be identical to those of the Tax Collector.

(D) Oath of office. The Tax Collector and any Deputy Tax Collector appointed shall take and subscribe the following oath and file it with the Town Clerk.

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as (Deputy) Tax Collector of the Town of _____ and that I will not allow my actions as Tax Collector to be influenced by personal or political friendships or obligations, so help me God."

Signature

(1981 Code, § 3-6)

§ 30.08 PERSONNEL RESPONSIBILITIES OF MANAGER.

(A) The Manager shall be responsible to the Council for the administration and technical direction of the personnel program.

(B) The Manager shall appoint, suspend and remove all officers and employees except those elected by the people or those whose appointment is otherwise provided for by law.

(C) The Manager shall make appointments, dismissals and suspensions in accordance with the Charter and other policies and procedures specified in this code (Personnel Policies).

(D) More specifically, the Manager shall:

(1) Recommend rules and revisions to the personnel system to the Council for consideration;

(2) Determine the administrative, professional and managerial positions to be excluded from entitlement to overtime compensation;

(3) Establish and maintain a roster of all persons in the town service, setting forth each officer and employee, class title of position, salary, any changes in class title and status and like data as may be deemed desirable or useful;

(4) Develop and administer recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the town;

(5) Develop and coordinate training and education programs for town employees;

(6) Investigate periodically the operation and effect of the town's personnel policies and report his or her findings and recommendations to the Council;

(7) Perform other personnel duties as may be assigned to him or her by this code or by the Council.

(1981 Code, § 3-10)

§ 30.09 POSITION CLASSIFICATION PLAN.

(A) The Manager shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated.

(B) Department heads shall be responsible for bringing to the attention of the Manager the need for new positions and material changes in the nature of duties, responsibilities, working conditions or other factors affecting the classifications of existing positions.

(C) New positions shall be established only with the approval of the Council, after which the Town Manager shall either allocate the new position to the appropriate class within the existing classification plan or recommend to the Council that it amend the position classification plan to establish a new class to which the new position may be allocated.

(D) When the Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, he or she shall:

(1) Direct that the existing class specification be revised;

(2) Reallocate the position to the appropriate class within the existing classification plan; or

(3) Recommend that the Council amend the position classification plan to establish a new class to which the position may be allocated.

(E) The Council may, upon the recommendation of the Manager, add classes of positions to or delete them from the position classification plan.

(1981 Code, § 3-11)

§ 30.10 PAY PLAN.

(A) The Manager shall be responsible for the administration and maintenance of the pay plan.

(B) The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other, to general rates of pay for similar employment in the private sector and in other public jurisdictions in the area, to changes in the cost of living, to financial conditions of the city and other factors.

(C) To this end, the Manager shall from time to time make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Council the changes in salary ranges as appear to be warranted.

(1981 Code, § 3-12)