

## **TITLE 1: GENERAL ADMINISTRATION**

### Chapter

- 1. TOWN COUNCIL**
- 2. MAYOR**
- 3. TOWN MANAGER**
- 4. TOWN CLERK**
- 5. CODE OF ETHICS**



## CHAPTER 1: TOWN COUNCIL

### Section

- 1-101 Time and place of regular meetings
- 1-102 Time and place of special meetings
- 1-103 Time and place of work sessions
- 1-104 Order of business
- 1-105 Method for placing items on the agenda
- 1-106 General rules of order; standing rules
- 1-107 Adoption of ordinances
- 1-108 Salary of Mayor and Town Council members

### **§ 1-101 TIME AND PLACE OF REGULAR MEETINGS.**

The Town Council shall, by resolution, fix the time and place at which the regular meetings of the Town Council shall be held. Unless otherwise provided by resolution, the Town Council shall hold regular monthly meetings at 5:00 p.m. on the second Tuesday of each month at Town Hall.

(2007 Code, § 1-101) (Ord. 03-25, passed 7- -2003)

#### ***Charter reference:***

*Town Council, see Art. V*

### **§ 1-102 TIME AND PLACE OF SPECIAL MEETINGS.**

Whenever in the opinion of the Mayor, or any three members of the Town Council, the welfare of the town demands it, the Town Manager shall call a special meeting of the Town Council.

(2007 Code, § 1-102) (Ord. 03-25, passed 7- -2003)

### **§ 1-103 TIME AND PLACE OF WORK SESSIONS.**

The Town Council shall, by resolution, fix the time and place at which work sessions of the Town Council shall be held.

(2007 Code, § 1-103) (Ord. 03-25, passed 7- -2003)

**§ 1-104 ORDER OF BUSINESS.**

(1) At each meeting of the Town Council, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (a) Call to order by the Mayor;
- (b) Roll call by the Town Clerk;
- (c) Approval or correction of minutes of previous meetings;
- (d) Correspondence/communications;
- (e) Awards and recognitions;
- (f) Consent agenda;
- (g) Old business;
- (h) New business;
- (i) Status reports;
- (j) Announcements; and
- (k) Adjournment.

(2) Consent agenda items will be those items determined by the Town Manager to be routine matters not necessitating discussion. All consent agenda items may be voted upon simultaneously pursuant to a single motion. There will be no separate discussion of these items unless a member of the Town Council requests that discussion be held, in which case the item will be removed from the consent agenda and considered separately. Following passage of the remaining consent agenda items, discussion of any items removed from the consent agenda shall be held and separate motions and votes shall be taken for each of the items removed.

(3) Public hearings which are related to matters on the agenda will be held at the time of consideration of the agenda item upon Town Council recess for such public hearing.

(4) Prior to the commencement of the regularly scheduled Town Council meeting, a citizens comments session shall be held beginning at 7:00 p.m. Such citizens comments session shall be open to the public and shall be held at the same location as the regularly scheduled Town Council meeting which follows. To be placed on the citizens comments speaker list, an individual must call the Town Manager's office before 4:30 p.m. on the Thursday before the Council meeting and request to be added to the speaker's list, provide his or her name, address, and telephone number, and state the purpose of addressing the Council. Speakers are limited to three minutes. Additional comments may be submitted

in writing. The monthly citizens comments will be recorded separately and is not to be recorded on the official meeting audio or video tape of the Council meeting. Minutes of the citizens comments session shall not be taken. The Mayor and Town Council shall not be asked to comment on the topic presented, but will take all topics presented under advisement.

(2007 Code, § 1-104) (Ord. 05-34, passed 8- -2005)

#### **§ 1-105 METHOD FOR PLACING ITEMS ON THE AGENDA.**

(1) The Town Manager, or his or her designee, will prepare an agenda for each meeting of the Town Council.

(2) Any member of the Town Council may have any additional items placed on the agenda for a meeting by notifying the Town Manager at least five days prior to the meeting. No item may be added to the agenda after this deadline except by the affirmative vote of a majority of the members present at such meeting.

(2007 Code, § 1-105) (Ord. 03-25, passed 7- -2003)

#### **§ 1-106 GENERAL RULES OF ORDER; STANDING RULES.**

(1) *Rules of procedure.* The rules of order and parliamentary procedure contained in the current edition of *Robert's Rules of Order, Newly Revised* shall govern the transaction of business by and before the Town Council at its meetings in all cases to which they are applicable and in which they are not inconsistent with the provisions of the Charter or this code. All speakers and members of the audience and Council shall remember that the meeting is a Council meeting. All persons are to show proper respect to each other and shall maintain the proper decorum in the meeting at all times. Persons who fail to observe the rules as to proper decorum, to the extent that the public meeting is disrupted, shall not be permitted to speak and may be removed from the meeting.

(2) *Signs not allowed in chambers.* Signs, posters, and placards are not allowed within the meeting room of Council meetings and work sessions.

(3) *Visual aids.* PowerPoint presentations, props, and other visual aids may be used by outside individuals or groups only with the advance permission of the Town Manager.

(4) *Handouts.* Persons desiring to hand documents or other items to Council members during the meeting should pass the same to the assigned officer working the meeting, or other person designated by the Mayor or Town Manager, for delivery to Council members when appropriate.

(5) *Comment at public hearing.* Each person shall be permitted to speak for three minutes and shall not have more than one time to speak, except that the chair may allow two minutes to the proponent for rebuttal. The Town Council may amend or extend the time limits of individual speakers at the meeting by a majority vote.

(2007 Code, § 1-106) (Ord. 16-13, passed 7- -2016)

**§ 1-107 ADOPTION OF ORDINANCES.**

All ordinances shall be drafted in accordance with the provisions of the Charter (see particularly § 5.10) and shall be passed at two separate meetings on two separate days. However, at least 13 days shall have lapsed between the first and final passage of any ordinance. Abstentions shall be counted neither as a “yes” nor a “no” vote. Ordinances, resolutions, and other measures of the Town Council shall be passed by an affirmative vote of majority of the Council members present and voting. All ordinances, resolutions, and motions must be enacted by an affirmative vote of at least three Council members.

(2007 Code, § 1-107) (Ord. 03-25, passed 7- -2003)

**§ 1-108 SALARY OF MAYOR AND TOWN COUNCIL MEMBERS.**

Pursuant to the authority conferred by the Charter of the town, the Mayor of the town shall receive a salary of \$1,600 per month and the remaining members of the Town Council shall each receive a salary of \$1,000 per month.

(2007 Code, § 1-108) (Ord. 03-25, passed 7- -2003)

***Charter reference:***

*Salaries, see § 5.04*

## CHAPTER 2: MAYOR

### Section

1-201 Mayoral responsibilities

1-202 Election of Vice-Mayor

***Charter reference:***

*Qualifications, see § 5.03*

*Town Council composition, see § 5.01*

### **§ 1-201 MAYORAL RESPONSIBILITIES.**

The Mayor shall preside at all meetings of the Town Council at which he or she is present and, in his or her absence, the Vice-Mayor shall preside, and in the absence of the Mayor and Vice-Mayor, the Town Council shall designate one of its number to preside. The Mayor shall be the ceremonial head of the town. The Mayor shall have a vote, and shall have no veto power over all actions of the Town Council. The Mayor shall sign the minutes of the meeting of the Council, all ordinances on their final passage, and execute all deeds, bonds, contracts, or legal instruments made in the name of the town. (2007 Code, § 1-201)

***Charter reference:***

*Office of Mayor, see § 5.06*

### **§ 1-202 ELECTION OF VICE-MAYOR.**

The Town Council shall elect one of its number as Vice-Mayor to carry out the duties of Mayor in his or her absence, for a term of two years. If the office of Mayor shall become vacant, the Vice-Mayor shall automatically become Mayor for the remainder of the unexpired term; and in the latter event, the Council shall elect another of its members to the office of Vice-Mayor to serve during the remainder of the unexpired term. The Council shall fill the vacancy in the Council created by the Vice-Mayor becoming Mayor.

(2007 Code, § 1-202)

***Charter reference:***

*Vacancies, see § 5.07*

*Vice-Mayor's qualifications, see § 5.02*





## CHAPTER 3: TOWN MANAGER

### Section

- 1-301 Appointment
- 1-302 Duties
- 1-303 Residency requirement

### § 1-301 APPOINTMENT.

The Town Council shall appoint and fix the salary of the Town Manager, who shall serve at the will of the Town Council. The Town Manager shall be appointed by virtue of experience and/or educational qualifications for this position. Neither the Mayor nor any member of the Town Council shall be eligible for appointment as Town Manager until two years have elapsed after such member shall have ceased to be Mayor or a member of the Town Council.

(2007 Code, § 1-301)

**Charter reference:**

*Town Manager appointment, salary, and removal, see § 6.01*

### § 1-302 DUTIES.

The Town Manager shall be the chief administrative officer of the town. The duties of the Town Manager are described in the town's Charter.

(2007 Code, § 1-302)

**Charter reference:**

*Town Manager powers and duties, see § 6.04*

### § 1-303 RESIDENCY REQUIREMENT.

The Town Manager must become (if not already) a resident of the town within 90 days after reporting to work.

(2007 Code, § 1-303)

**Charter reference:**

*Residency requirements, see § 6.02*



## CHAPTER 4: TOWN CLERK

### Section

- 1-401 To be bonded
- 1-402 Custodian of public records, bonds, and the like
- 1-403 To keep minutes
- 1-404 To attest signed documents

#### ***Charter reference:***

*Town Council, see Art. VII*

#### **§ 1-401 TO BE BONDED.**

The Town Clerk shall be bonded in such sum as may be fixed by ordinance.  
(2007 Code, § 1-401)

#### **§ 1-402 CUSTODIAN OF PUBLIC RECORDS, BONDS, AND THE LIKE.**

The Town Clerk shall have custody of, and be responsible for, maintaining all corporate bonds, records, and papers.  
(2007 Code, § 1-402)

#### **§ 1-403 TO KEEP MINUTES.**

The Town Clerk shall be present at all Town Council meetings and shall keep a full and accurate record of all its business.  
(2007 Code, § 1-403)

#### **§ 1-404 TO ATTEST SIGNED DOCUMENTS.**

The Town Clerk shall, by signature and the town seal, attest all instruments signed in the name of the town.  
(2007 Code, § 1-404)



## CHAPTER 5: CODE OF ETHICS

### Section

- 1-501 Applicability
- 1-502 Definitions
- 1-503 Disclosure of personal interest in voting matters
- 1-504 Disclosure of personal interest in nonvoting matters
- 1-505 Acceptance of gratuities, and the like
- 1-506 Use of information
- 1-507 Use of municipal time, facilities, and the like
- 1-508 Use of position or authority
- 1-509 Outside employment
- 1-510 Ethics complaints
- 1-511 Violations

### § 1-501 APPLICABILITY.

(1) This chapter constitutes the code of ethics for officials and employees of the town. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city. The words “municipal” and “municipality” include these separate entities.

(2) This code of ethics does not in any manner eliminate compliance with any other ethical provisions or prohibitions contained within the Town Charter, the town municipal code, the town employee handbook, written policies of the town, and state and federal law.

(2007 Code, § 1-501) (Ord. 07-21, passed 6- -2007)

### § 1-502 DEFINITIONS.

(1) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***EMPLOYMENT INTEREST.*** Include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

***PERSONAL INTEREST.*** Includes:

- (i) Any financial, ownership, or employment interest in the subject of a vote by a city board not otherwise regulated by state statutes on conflicts of interest;
- (ii) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- (iii) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(2) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.  
(2007 Code, § 1-502) (Ord. 07-21, passed 6- -2007)

**§ 1-503 DISCLOSURE OF PERSONAL INTEREST IN VOTING MATTERS.**

An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition or in the alternative, the official may recuse himself or herself from voting on the measure.  
(2007 Code, § 1-503) (Ord. 07-21, passed 6- -2007)

**§ 1-504 DISCLOSURE OF PERSONAL INTEREST IN NONVOTING MATTERS.**

An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the Town Clerk. In addition or in the alternative, the official or employee may, to the extent allowed by law, Charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter.  
(2007 Code, § 1-504) (Ord. 07-21, passed 6- -2007)

**§ 1-505 ACCEPTANCE OF GRATUITIES, AND THE LIKE.**

(1) An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor, with the exception of incidentals as herein defined, of any kind from anyone other than the town:

- (a) For the performance of an act or refraining from performance of an act that he or she would be expected to perform or refrain from performing in the regular course of his or her duties; or

(b) That might reasonably be interpreted as an attempt to influence his or her action, or reward him or her for past action, in executing town business.

(2) *INCIDENTALS* are hereby defined as items, including marketing materials, but specifically excluding cash, with a value of less than \$50 that are not obviously given with the intent to influence specific action by an official or employee as to a specific matter.

(3) It is not a violation of this section if an official or employee receives a reward or benefit, regardless of value, which reward or benefit is not connected to or related in any manner to the official or employee's position with the town.

(2007 Code, § 1-505) (Ord. 07-21, passed 6- -2007)

**§ 1-506 USE OF INFORMATION.**

(1) An official or employee may not disclose any information obtained in his or her official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his or her official capacity or position of employment with the intent to result in financial gain for himself or herself or any other person or entity.

(3) It is not a violation of this section for an official or employee to use information for financial gain once the information is made open and discussed in a public meeting, as long as no steps toward financial gain were taken prior to the information being made open and discussed in a public meeting.

(2007 Code, § 1-506) (Ord. 07-21, passed 6- -2007)

**§ 1-507 USE OF MUNICIPAL TIME, FACILITIES, AND THE LIKE.**

(1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, personnel, or supplies for private gain or advantage to himself or herself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, personnel, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the town.

(2007 Code, § 1-507) (Ord. 07-21, passed 6- -2007)

**§ 1-508 USE OF POSITION OR AUTHORITY.**

(1) An official or employee may not use or attempt to make private purchases, for cash or otherwise, in the name of the town.

(2) An official or employee may not use or attempt to use his or her position to secure any privilege or exemption for himself, herself, or others that is not authorized by the Charter, general law, or ordinance or policy of the town.

(2007 Code, § 1-508) (Ord. 07-21, passed 6- -2007)

#### **§ 1-509 OUTSIDE EMPLOYMENT.**

An official or employee may not accept or continue any outside employment if the work conflicts with any provision of the town's Charter or any ordinance or policy.

(2007 Code, § 1-509) (Ord. 07-21, passed 6- -2007)

#### **§ 1-510 ETHICS COMPLAINTS.**

(1) The Town Attorney is designated as the ethics officer of the town. Upon the written request of an official or employee potentially affected by a provision of this chapter, the Town Attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this division (2), the Town Attorney shall investigate any written and signed, credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his or her own initiative when he or she acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The Town Attorney may request that the Town Council hire another attorney, individual, or entity to act as ethics officer when he or she has or will have a conflict of interest in a particular matter. The Town Council may also on its own initiative obtain or appoint outside counsel to perform the duties of ethics officer as to a specific matter when the majority of the Council determines such action is necessary or recommended under the circumstances.

(c) When a written and signed complaint of a violation of any provision of this chapter is lodged against a member of the Town Council, the Town Council shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the Town Attorney or another individual or entity chosen by the Town Council.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel provisions rather than a violation of this code of ethics.

(2007 Code, § 1-510) (Ord. 07-21, passed 6- -2007)



**§ 1-511 VIOLATIONS.**

An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter, as determined in accordance with the procedures herein, is subject to punishment as provided by the town's Charter or other applicable law, and in addition is subject to censure by the Town Council. An employee who violates any provision of this chapter is subject to disciplinary action, up to and including termination. (2007 Code, § 1-511) (Ord. 07-21, passed 6- -2007)

