

CHAPTER II: ADMINISTRATION

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**CHAPTER II: ADMINISTRATION
ARTICLE 1: IN GENERAL**

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' 2-1.1 GOVERNING BODY; COMPOSITION.

The governing body of the town shall consist of a Mayor and five Commissioners.
(1989 Code, ' 2-1; 2003 Code, ' 2-1.1)

' 2-1.2 SAMECDUTIES AND POWERS PRESCRIBED.

The Commissioners= duties and powers are such as set out by statute and by the Town Charter.
(1989 Code, ' 2-2; 2003 Code, ' 2-1.2)

Charter reference:

Powers of the Board, see ' 1.1, ' 1.2

' 2-1.3 MAYOR; DUTIES GENERALLY.

It shall be the duty of the Mayor to:

- (A) Preside over all meetings of the Board of Commissioners;
- (B) Vote in case of a tie;
- (C) Keep the persons self-informed as to the town=s business;
- (D) See that all laws and ordinances are enforced; and

(E) Perform other and further duties as the nature of the office may require.
(1989 Code, ' 2-3; 2003 Code, ' 2-1.3)

' 2-1.4 SAMEcVOTE IN CASE OF TIE.

When there is an equal division of the Board upon any question, the Mayor may vote to break the tie, but the Mayor shall have no vote under any other circumstances.
(1989 Code, ' 2-4; 2003 Code, ' 2-1.4)

' 2-1.5 MAYOR PRO TEM.

At the first meeting of the Board after each election, it shall select one of its members to act as Mayor pro tem. The Mayor pro tem shall have no fixed term of office. The Mayor pro tem shall perform all the duties of the Mayor in the Mayor=s absence or disability.
(1989 Code, ' 2-5; 2003 Code, ' 2-1.5)

Charter reference:

Mayor and Mayor pro tem, see ' 2.3

Statutory reference:

Mayor and Mayor pro tem, see G.S. ' ' 160A-69 and 160A-70

' 2-1.6 TOWN ATTORNEYcAPPOINTMENT.

At the first regular meeting following the election and qualification of members, the Board shall appoint a Town Attorney.
(1989 Code, ' 2-6; 2003 Code, ' 2-1.6)

' 2-1.7 SAMEcDUTIES.

It shall be the duty of the Town Attorney to:

- (A) Prosecute and defend suits for and against the town;
- (B) Advise the Mayor and Board or any official of the town in regard to matters connected with the town=s business;
- (C) Attend meetings of the Board, when requested to do so;
- (D) Draw all legal papers connected with the town=s business;
- (E) Approve all ordinances as to form before their introduction; and

(F) Perform other duties as may be assigned.

(1989 Code, ' 2-7; 2003 Code, ' 2-1.7)

Charter reference:

Duties of the town attorney, see ' 4.3

' 2-1.8 COMMITTEEScAPPOINTMENT; ASSIGNING DUTIES.

The Mayor shall appoint committees and assign to them the duties as the official deems necessary for the proper and efficient operation of the municipal government.

(1989 Code, ' 2-8; 2003 Code, ' 2-1.8)

' 2-1.9 SAMEcDUTIES GENERALLY.

Each committee shall be held responsible for its respective assignment and shall make recommendations to the Mayor and Board as it deems advisable in order that its department may operate with efficiency and economy.

(1989 Code, ' 2-9; 2003 Code, ' 2-1.9)

**CHAPTER II: ADMINISTRATION
ARTICLE 2: TOWN BOARD MEETINGS**

Section

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2-2.9	Elections by ballot
2-2.10	Action on resignation of members
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' 2-2.1 REGULAR MEETING DAY AND PLACE.

The regular meeting of the Board shall be on the first Tuesday of each month at the town hall.
(1989 Code, ' 2-20; 2003 Code, ' 2-2.1)

Charter reference:

Organizational meeting, see ' 2.2

' 2-2.2 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 two or more Commissioners, of which special meeting all Commissioners shall be notified in writing or otherwise.

(1989 Code, ' 2-21; 2003 Code, ' 2-2.2)

Charter reference:

Calling special meetings, see ' 2.2

Statutory reference:

Special meetings, see G.S. ' 160A-71

' 2-2.3 ADJOURNED MEETINGS.

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

(1989 Code, ' 2-22; 2003 Code, ' 2-2.3)

' 2-2.4 ORDER OF BUSINESS.

(A) The order of business at all regular meetings shall be proposed by the Town Manager and set by the adopted agenda.

(B) 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 the meeting.

(C) No proposition shall be entertained by the presiding officer until it has been seconded, and every proposition shall, when required by the presiding officer or any member, be reduced to writing.

(1989 Code, ' 2-23; 2003 Code, ' 2-2.4)

' 2-2.5 QUORUM.

A majority of the members of the Board or the Mayor and at least three members shall constitute a quorum for the transaction of business.

(1989 Code, ' 2-24; 2003 Code, ' 2-2.5)

Statutory reference:

Quorum, see G.S. ' 160A-74

' 2-2.6 PREVIOUS QUESTIONS.

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.

(1989 Code, ' 2-25; 2003 Code, ' 2-2.6)

' 2-2.7 MOTIONS HAVING PRECEDENCE.

(A) When a question is under consideration, no motion shall be received, except as follows:

(1) To lay on the table;

- (2) To postpone to a time certain;
- (3) To postpone indefinitely;
- (4) To refer to a committee;
- (5) To amend;
- (6) To strike or insert; and
- (7) To divide.

(B) Motions for any of these purposes shall have precedence in the order named.
(1989 Code, ' 2-26; 2003 Code, ' 2-2.7)

' 2-2.8 MOTIONS TO ADJOURN.

A motion to adjourn shall also be in order and shall be decided without debate.
(1989 Code, ' 2-27; 2003 Code, ' 2-2.8)

' 2-2.9 ELECTIONS BY BALLOT.

All elections by the Board shall be by ballot if required by any two members present.
(1989 Code, ' 2-28; 2003 Code, ' 2-2.9)

' 2-2.10 ACTION ON RESIGNATION OF MEMBERS.

Resignation of any member of the Board shall be in writing and the resignation shall lie on the table until the next regular meeting unless considered by unanimous consent.
(1989 Code, ' 2-29; 2003 Code, ' 2-2.10)

' 2-2.11 PROPOSAL OF ORDINANCES IN WRITING.

Every ordinance amending or repealing any ordinance, and every new ordinance, shall be proposed in writing, signed by the member presenting the same, and approved as to form by the Town Attorney.
(1989 Code, ' 2-30; 2003 Code, ' 2-2.11)

CHAPTER II: ADMINISTRATION
ARTICLE 3: ADMINISTRATIVE ORGANIZATION

Section

2-3.1	Town ManagerCoffice created; appointment; term
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2-3.3	Conflict of interests
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2-3.6	SameCduties
2-3.7	Town AccountantCappointment
2-3.8	SameCduties
2-3.9	Tax CollectorCappointment
2-3.10	SameCduties

' 2-3.1 TOWN MANAGERCOFFICE CREATED; APPOINTMENT; TERM.

There is hereby created the Office of Town Manager. The Town Manager shall be appointed by the Board and shall serve at the pleasure of the Board.
(1989 Code, ' 2-40; 2003 Code, ' 2-3.1)

Charter reference:

As to election to come under council-manager form of government, see note ' 4.1

' 2-3.2 SAMEcMAY ADD; CONSOLIDATE; TERMINATE OR REASSIGN DUTIES OF ADMINISTRATIVE OFFICES; EXCEPTION.

(A) The Town Manager may, in the official=s discretion, add any administrative office and fix the duties, consolidate any two or more administrative offices, reassign duties and terminate any office, other than that of Town Manager, in accordance with state law.

(B) All actions under this section shall be subject to appropriations therefor.
(1989 Code, ' 2-41; 2003 Code, ' 2-3.2)

' 2-3.3 CONFLICT OF INTERESTS.

It shall be unlawful for any officer or employee of the town directly or indirectly to become a contractor for work done for the town, or to become personally interested in or receive profit from any purchase of supplies for any department of the town.

(1989 Code, ' 2-42; 2003 Code, ' 2-3.3)

Charter reference:

Personal interest, see ' 5.2

' 2-3.4 VACANCIES IN ADMINISTRATIVE OFFICE.

All vacancies occurring from any cause whatsoever in any administrative office, other than that of Town Manager, if to be filled, shall be filled by the Town Manager, as soon thereafter as practicable.

(1989 Code, ' 2-43; 2003 Code, ' 2-3.4)

' 2-3.5 TOWN CLERK AND TREASURER APPOINTMENT.

The Town Clerk and Treasurer shall be appointed by the Town Manager.

(1989 Code, ' 2-44; 2003 Code, ' 2-3.5)

Charter reference:

Appointment of officers and employees, see ' 4.1

Town Clerk, see ' 4.2

' 2-3.6 SAME DUTIES.

It shall be the duty of the Town Clerk and Treasurer to:

- (A) Attend all meetings of the Board;
- (B) Keep an accurate record of all proceedings of the Board;
- (C) Make financial reports and statements as the Board and/or Town Manager may require;
- (D) Keep the books of accounts of the town, which shall show the following:

(1) A detailed statement of all moneys collected for the town by all the town officers and officials;

(2) All property belonging to the town and the income derived therefrom;

- (3) Each payment of the town's money, its purpose and to whom paid;
- (4) A separate account for each department of the town government; and
- (5) All other accounts as may be necessary for the financial statement of the town.

(E) Keep the original of all ordinances and the corporate seal;

(F) Sign, with the appropriate official, all warrants or orders for the payment of public funds;

(G) Cooperate with the Tax Collector, collect all real and personal taxes and all license and privilege taxes that may be assessed, and file a statement of the collections with the Board;

(H) Keep a map of the cemetery, sell lots therein and keep a record of same;

(I) Keep a record of all officers and employees who are receiving compensation; who are under bond, the amount and surety on same; and all who are required to take oath before being admitted to office; and shall also show whether the compensation, bond or oath is provided by state law, charter or ordinance; if by latter, the number of the ordinance and date of same;

(J) Receive and keep an account of all moneys which the officer shall receive in behalf of the town; and

(K) Perform other duties as may be assigned.

(1989 Code, ' 2-45; 2003 Code, ' 2-3.6)

Cross-reference:

As to signing of checks and drafts, see ' 4-1.3

' 2-3.7 TOWN ACCOUNTANTcAPPOINTMENT.

A Town Accountant shall be appointed by the Town Manager.

(1989 Code, ' 2-46; 2003 Code, ' 2-3.7)

' 2-3.8 SAMEcDUTIES.

It shall be the duty of the Accountant to:

(A) Inspect and audit the books and records of all town departments as often as may be required by the Mayor and the Board;

(B) Make an annual financial report of all departments and officers of the town government; and

(C) Perform other duties as may be assigned.

(1989 Code, ' 2-47; 2003 Code, ' 2-3.8)

Charter reference:

Duties of Town Accountant, see ' 4.4

' 2-3.9 TAX COLLECTOR APPOINTMENT.

A Town Tax Collector shall be appointed by the Town Manager or the town may contract with the county to have tax collection services rendered by the County Tax Collector.

(1989 Code, ' 2-48; 2003 Code, ' 2-3.9)

' 2-3.10 SAME DUTIES.

It shall be the duty of the Tax Collector to:

(A) Collect all personal and real property taxes in cooperation with the Town Clerk;

(B) Collect all license taxes, street assessments and dog taxes in cooperation with the Town Clerk;

(C) Cooperate with the Police Department;

(D) Pay over to the Town Treasurer all moneys collected;

(E) File a detailed report each month with the Board, showing the amount of money, and from what source, collected; and

(F) Perform all duties assigned.

(1989 Code, ' 2-49; 2003 Code, ' 2-3.10)

Charter reference:

Duties of Town Tax Collector, see ' 4.5

CHAPTER II: ADMINISTRATION
ARTICLE 4: PERSONNEL

Section

2-4.1 Employment of personnel; terms, fringe benefits

Charter reference:

Administrative service, see ' 4.1

Statutory reference:

Authority as to police, see G.S. ' 160A-281

Authority as to retirement, see G.S. ' 160A-163

Auxiliary police, see G.S. ' 160A-282

Extraterritorial jurisdiction of police, see G.S. ' 160A-286

Insurance benefit, see G.S. ' 160A-162(b)

Local government employee retirement system, see G.S. ' ' 128-21 et seq.

Personnel rules, see G.S. ' 160A-164

Powers and duties of police officers, see G.S. ' 160A-285

' 2-4.1 EMPLOYMENT OF PERSONNEL; TERMS, FRINGE BENEFITS.

Town personnel shall be employed by the Town Manager, within the appropriations for that purpose; the terms of the positions shall be at the will of the Town Manager. Fringe benefits shall be as specified from time to time by the Town Manager, subject to the approval of the Board.
(1989 Code, ' 14-1; 2003 Code, ' 2-4.1)

CHAPTER II: ADMINISTRATION
ARTICLE 5: APPOINTED BOARDS AND COMMISSIONS

Section

- 2-5.1 Planning Board created
- 2-5.2 Same membership and vacancies
- 2-5.3 Same organization; rules; meetings; records
- 2-5.4 Same powers and duties
- 2-5.5 Same annual report and budget request
- 2-5.6 Same advisory council and special committees
- 2-5.7 Board of Adjustment
- 2-5.8 Tree Board
- 2-5.9 Tourism Development Authority

Cross-reference:

Inspection Department, see ' 5-3.1 et seq.

Planning Board, see ' 2-5.1

' 2-5.1 PLANNING BOARD CREATED.

The Town Planning Board is hereby created in accordance with the provisions of this article. (1989 Code, ' 15-31; 2003 Code, ' 2-5.1)

Cross-reference:

Zoning generally; duties of Planning Board relative to zoning, see ' 8-3.9.2(A)

' 2-5.2 SAME MEMBERSHIP AND VACANCIES.

The Planning Board shall consist of seven members, five members shall be citizens and residents of the town and shall be appointed by the Town Board, and two members shall be citizens and residents of the extraterritorial area recorded in the Registry of Deeds of the county; the members shall be appointed by the County Board of Commissioners pursuant to G.S. ' 160A-362. Two of the initial members shall be appointed for a term of one year, two for two years and three for three years. Their successors shall be appointed for terms of three years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Members may be removed for cause by the Town Board.

(1989 Code, ' 15-32; 2003 Code, ' 2-5.2)

' 2-5.3 SAMEcORGANIZATION; RULES; MEETINGS; RECORDS.

(A) Within 30 days after appointment, the Planning Board shall meet and elect a chair and create and fill offices as it may determine. The term of the chair and other officers shall be one year, with eligibility for re-election.

(B) The Board shall adopt rules for transaction of its business and shall keep a record of its members= attendance and of its resolutions, discussions, findings and recommendations, which shall be a public record.

(C) The Board shall hold at least one meeting monthly and all of its meetings shall be open to the public.

(D) There shall be a quorum of members for the purpose of taking any official action.
(1989 Code, ' 15-33; 2003 Code, ' 2-5.3)

' 2-5.4 SAMEcPOWERS AND DUTIES.

(A) *Generally.* It shall be the duty of the Planning Board, in general, to:

(1) Acquire and maintain in current form basic information and material as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions;

(2) Identify needs and problems growing out of those needs;

(3) Determine objectives to be sought in development of the area;

(4) Establish principles and policies for guiding action in development of the area;

(5) Prepare and, from time to time, amend and revise a comprehensive and coordinated plan for the physical, social and economic development of the area;

(6) Prepare and recommend to the Town Board ordinances promoting orderly development along lines indicated in the comprehensive plan and advise it concerning proposed amendments of the ordinances;

(7) Determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area and ordinances adopted in furtherance of the plan;

(8) Keep the Town Board and the general public informed and advised as to these matters; and

(9) Perform any other duties that may lawfully be assigned to it.

(B) *Basic studies.* As background for its comprehensive plan and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of physical features of the area; statistics on past trends and present conditions with respect to population, property values, the economic base of the area and land use; and other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts. In addition, the Planning Board may make, cause to be made or obtain special studies on the location, the condition, and the adequacy of specific facilities, which may include, but are not limited to, studies of housing; commercial and industrial facilities; parks, playgrounds and other recreational facilities; public and private utilities; and traffic, transportation and parking facilities. All town officials shall, upon request, furnish to the Planning Board available records or information as it may require in its work. The Board or its agents may, in the performance of its official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

(C) *Comprehensive plan.* The comprehensive plan, with the accompanying maps, plats, charts and descriptive matter, shall be and show the Planning Board's recommendations to the Town Board for the development of the territory, including, among other things, the general location, character and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, building, grounds, open spaces, property, utilities or terminals; and the most desirable pattern of land use within the area, including areas for farming and forestry, for manufacturing and industrial uses, for commercial uses, for recreational uses, for open spaces and for mixed uses. The plan and any ordinances or other measures to effectuate it shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs that will, in accordance with present and future needs, best promote health, safety, morals and the general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities, services and other public requirements.

(D) *Subdivision regulations.*

(1) The Planning Board shall prepare and submit to the Town Board for its consideration and possible adoption regulations controlling the subdivision of land in accordance with the provisions of G.S. Ch. 160A, Art. 19, Part 2, as amended. It shall review, from time to time, the effectiveness of the regulations and may make proposals to the Town Board for amendment or other improvements of those regulations and their enforcement.

(2) In accordance with the provisions of any regulations that are adopted, the Planning Board may review subdivision plats that are submitted and:

(a) Make recommendations to the Town Board concerning the plats; or

(b) Approve, approve subject to conditions or deny approval for the plat.

(E) *Zoning ordinance.* The Planning Board shall prepare and submit to the Town Board for its consideration and possible adoption a zoning ordinance in accordance with the provisions of G.S. Ch. 160A, Art. 19, Part 3, as amended. The Planning Board may initiate, from time to time, proposals for amendment of the zoning ordinance, based upon its studies and comprehensive plan. In addition, it shall review and make recommendations to the Town Board concerning all proposed amendments to the zoning ordinance.

(F) *Public facilities.* The Planning Board shall make recommendations concerning public facility issues referred to it by the Town Board.

(G) *Historic Preservation Commission.* The Planning Board may exercise the functions of a Historic Preservation Commission, as authorized by G.S. ' 160A-400.7.

(H) *Urban redevelopment.* The Planning Board may make findings and recommendations concerning urban redevelopment projects in the area, pursuant to the Urban Redevelopment Law found in G.S. Ch. 160A, Art. 22.

(I) *Miscellaneous powers and duties.*

(1) The Planning Board may conduct public hearings as may be required to gather information for the drafting, establishment and maintenance of the comprehensive plan. Before adopting any plan, it shall hold at least one public hearing thereon.

(2) The Planning Board shall have the power to promote public interest in and an understanding of its recommendations and, to that end, it may publish and distribute copies of its recommendations and may employ other means of publicity and education as it may elect.

(3) Members of the Planning Board, when duly authorized by the Town Board, may attend planning conferences, meetings of planning associations or hearings on pending planning legislation, and the Planning Board may, by formal and affirmative vote, authorize payment within the Board=s budget of the reasonable traveling expenses incident to the attendance.

(1989 Code, ' 15-34; 2003 Code, ' 2-5.4)

' 2-5.5 SAMEcANNUAL REPORT AND BUDGET REQUEST.

The Town Board may request, at any time during the fiscal year, that the Planning Board submit in writing to the Town Board a report of its activities, an analysis of its expenditures to date for the current fiscal year and its requested budget of funds needed for operation during the ensuing fiscal year.

(1989 Code, ' 15-35; 2003 Code, ' 2-5.5)

' 2-5.6 SAMEcADVISORY COUNCIL AND SPECIAL COMMITTEES.

The Planning Board may establish an unofficial advisory council and may cooperate with the council to the end that its investigations and plans may receive full consideration, but the Board may not delegate to the advisory council any of its official powers and duties.
(1989 Code, ' 15-36; 2003 Code, ' 2-5.6)

' 2-5.7 BOARD OF ADJUSTMENT.

There shall be a Board of Adjustment for the town and its extraterritorial jurisdiction the membership, procedures, powers and duties of which are provided for in ' 8-3.9.2(B) of this code of ordinances.
(2003 Code, ' 2-5.7)

' 2-5.8 TREE BOARD.

There shall be a Tree Board for the town and its extraterritorial jurisdiction the membership, procedures, powers and duties of which are provided for in ' 9-3.3 of this code of ordinances.
(2003 Code, ' 2-5.8)

' 2-5.9 TOURISM DEVELOPMENT AUTHORITY.

(A) *Establishment.* The Town Board, for the purpose of advertising and promoting tourism in the town, established the Town Tourism Development Authority (MTDA) on 12-7-2010.

(B) *Office, books and records.*

(1) Principal office; mailing address.

(a) The principal office of the MTDA shall be:

Town of Mocksville
171 S. Clement St.
Mocksville, NC 27028

(b) Its mailing address shall be:

Mocksville Tourism Development Authority
c/o Town Finance Officer
171 S. Clement St.
Mocksville, NC 27028

(2) *Books and records.* Except as may otherwise be provided by resolution of the MTDA, or as

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may be required by the business of the MTDA, all records of the MTDA shall be kept at the principal office of the MTDA. Financial records will be kept in the office of the Town Finance Officer.

(C) *Tourism Development Authority.*

(1) *Appointment of membership.* The MTDA Board shall consist of six members appointed by the Town Board. The initial terms of office shall be as follows: three members appointed for two years; three members appointed for one year. The Town Board shall designate the term of each initial Board member.

(2) *Tenure of membership.*

(a) MTDA Board members shall serve appointed terms and may be reappointed.

(b) MTDA Board members desiring to resign should submit their resignation in writing to the Town Board.

(c) MTDA Board membership is not transferable or assignable.

(3) *Qualifications of Board membership.*

(a) At least one-third of the MTDA Board members must be individuals who are affiliated with businesses that collect the occupancy tax levied by the town.

(b) At least one-half of the MTDA Board members must be individuals who are then currently active in the promotion of travel and tourism in the town.

(c) The remaining MTDA Board member shall be the Town Board's choice.

(4) *Vacancies of Board membership.* The Town Board may fill vacancies occurring in the MTDA Board for the remainder of the unexpired term.

(5) *Officers of the Board.* The Town Board shall appoint a Chairperson and the MTDA Board may choose a Vice-Chairperson. The Finance Officer of the town shall serve ex officio as Finance Director for the MTDA Board and may vote in the event of a tie. The Chairperson shall be the executive officer of the MTDA, calling and presiding over all meetings, developing the agenda and signing all bonds, contracts and other instruments to be executed on behalf of the MTDA.

(6) *Compensation of Board members.* No compensation shall be paid for services to members of the MTDA Board.

(D) *Rules and conduct.*

(1) Faithful attendance at all meetings of the MTDA and conscientious performance of the duties required of Board members of the MTDA shall be considered a prerequisite of continuing membership on the MTDA Board. If a Board member misses more than two consecutive meetings, he or she may be replaced at the recommendation of the MTDA and at the discretion of the Town Board.

(2) No Board member shall take part in the consideration and determination of any matter in which he or she has a direct personal or financial interest.

(3) Each Board member shall maintain the confidential nature of confidential material, which Board members may become privy to as a Board member of the MTDA.

(4) No Board member shall directly or indirectly solicit any gift, or accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which a reasonable person would believe that the gift was intended to influence him or her in the performance of his or her duties, or was intended as a reward for any official action on his or her part.

(5) The MTDA may suspend or expel any of its appointed Board members for cause and may terminate the membership of any of its appointed Board members by majority vote of its members and the approval of the Town Board.

(E) *Powers and duties.* The MTDA shall study the tourism industry of the town and the most effective means of enhancing and promoting that industry and recommend any plans, actions and programs, which will, in accordance with the powers granted herein, serve to enhance and improve the tourism industry of the town. To this end, the Town Board confers upon the MTDA the following powers and duties:

(1) To promote travel, tourism and corporate travel in the town, sponsor tourist-related events and activities in the district and finance tourist related capital projects in the town;

(2) To contract with and/or hire an individual, agency or organization to advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research and engage in or sponsor similar promotional activities that attract tourists or business travel to the area;

(3) To make recommendations to the Town Board for the efficient and effective enforcement of the town=s room occupancy tax;

(4) To conduct market research as it deems necessary in order to devise and develop the goals and plans necessary to create an effective marketing plan to promote the travel and tourism industry in the town;

(5) To make tourism-related expenditures that, in the judgment of the MTDA, are designed to increase the use of lodging facilities, recreational facilities and business establishments in the town or to attract tourists or business travelers to the town;

(6) To recommend tourism- and resident-related capital expenditures including expenditures

required to improve and increase the recreational facilities located in the town and maintain the attractiveness of the town and its green areas;

(7) To select appropriate goals for the enhancement and development of the tourism industry in the town;

(8) To seek, evaluate and choose proposals from appropriate organizations which will address the established and approved goals of the MTDA;

(9) To evaluate the effective and efficient implementation of the officially adopted plans of the MTDA and of the Town Board;

(10) To submit reports quarterly and at the close of the fiscal year, to the Town Board regarding its receipts and expenditures for the preceding quarter and for the year in the detail as the Town Board may require; and

(11) To make recommendations to the Town Board regarding persons nominated to serve new terms or to fill vacant terms on the MTDA.

(F) *Meetings.*

(1) *Regular and special meetings.* The MTDA shall meet at least quarterly. The Chairperson may call special meetings of the MTDA Board at any time. At least 96 hours= written notice of the time and place of special meetings shall be given by the Secretary or by the Chairperson to each Board member of the MTDA. All MTDA meetings, with the exception of closed sessions, are to be open to the public and held in accordance with G.S. Ch. 143, Art. 33C commonly referred to as the Open Meetings Law. The Secretary of the MTDA shall keep a record of its members= attendance and the minutes of the MTDA=s meetings.

(2) *Quorum.* A quorum shall consist of a majority of the Board members of the MTDA.

(3) *Voting.* All actions taken by the MTDA are done so by majority vote of the members of the MTDA present and voting at a regular or special meeting of the Board. Each member of the MTDA is entitled to one vote. There shall be no voting by proxy. All members must vote on an issue properly before the MTDA unless a member has a direct personal or financial interest in the matter before the MTDA.

(G) *Fiscal year end budget.*

(1) *Fiscal year.* The fiscal year for the MTDA shall begin July 1 and end June 30. The MTDA shall develop and approve a budget for each fiscal year in accordance with the Local Government Budget and Fiscal Control Act.

(2) *Expenditures.* The MTDA shall use at least two-thirds of the funds remitted to it each year by the Town Board to promote travel and tourism in the town and shall use the remainder of the funds remitted to it for tourism-related expenditures.

(H) *Amendments.* Except as otherwise provided by law, these bylaws, or any part thereof, may be amended, added to, altered or repealed at the pleasure of and by a majority affirmative vote of the members of the MTDA and with the approval of the Town Board.

(Ord. passed 12-7-2010)

