

## CHAPTER 31: CITY OFFICERS

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### GENERAL PROVISIONS

#### § 31.01 REMOVAL OR RESIGNATION.

The City Council may at any time remove any of the officers of the city appointed by it, either with or without cause, provided that no such officer shall be removed without cause except upon 30 days notice of the intended removal, nor shall he or she be permitted to resign his or her office, except upon 30 days notice of his or her intended resignation, unless the Council shall expressly waive the notice.

(^90 Code, § 2-71)

### CITY MANAGER

#### § 31.15 APPOINTMENT AND TERM.

The City Manager shall be appointed by the Council and shall hold office at the pleasure of the City Council.

(^90 Code, § 2-86)

Statutory reference:

Similar provisions, see G.S. § 160A-147

§ 31.16 OATH OF OFFICE.

The City Manager shall take the same oath of office that is required of the Mayor.

(^90 Code, § 2-87)

Statutory reference:

Oath required, see G.S. § 160A-61

§ 31.17 BOND.

The City Manager shall, before entering upon the discharge of the duties of his or her office, enter into a bond with sureties in such sum as the City Council may require, the bond to be payable to the city and conditioned upon the faithful performance by the City Manager of all of his or her official duties.

(^90 Code, § 2-88)

§ 31.18 GENERAL DUTIES.

The City Manager shall:

- (A) Be the administrative head of the city government.
- (B) See that the laws of the state and that the provisions of this code and other ordinances, resolutions and regulations of the City Council are faithfully enforced and executed.
- (C) Attend all meetings of the Council and recommend for adoption such measures as he or she may deem expedient.
- (D) Make reports to the Council from time to time of the affairs of the city.
- (E) Keep the Council fully advised of the financial condition of the city and its future financial requirements.
- (F) Make or have made an annual examination of the books and accounts of all the city officers and departments of government.
- (G) See that the conditions of all franchises and contracts granted and entered into by the city are faithfully complied with and executed.

(^90 Code, § 2-89)

Statutory reference:

Similar provisions, see G.S. § 160A-148

TAX COLLECTOR

§ 31.30 APPOINTMENT AND TERM.

The City Council shall, at the first regular meeting in June of each year, appoint a Tax Collector, who shall hold office at the pleasure of the Council.

(^90 Code, § 2-76)

§ 31.31 OFFICE TO BE HELD BY CITY MANAGER.

Unless otherwise ordered by the Council, the City Manager shall perform the duties and exercise the functions of the Tax Collector.

(^90 Code, § 2-77)

§ 31.32 BOND.

The Tax Collector, before entering into the duties of his or her office, shall execute a bond payable to the city in such sum as may be fixed by the City Council, conditioned upon the faithful performance of the duties of his or her office, and the proper accounting of all funds that may come into his or her hands by virtue of his or her office. So long as the City Manager acts as Tax Collector, the bond required by this section shall be in addition to the bond required by § 31.17.

(^90 Code, § 2-78)

#### CITY CLERK

##### § 31.45 APPOINTMENT AND TERM.

The City Council shall appoint a City Clerk, who shall hold office at the pleasure of the Council.

(^90 Code, § 2-96)

##### § 31.46 BOND.

The City Clerk may be required to give bond in such sum as the Council may designate for the faithful performance of his or her duties, and for the faithful accounting for all the funds belonging to the city that may come into his or her hands by virtue of his or her office.

(^90 Code, § 2-97)

##### § 31.47 GENERAL DUTIES.

The City Clerk shall:

- (A) Act as Secretary to the City Council.
- (B) Keep a true record of all the proceedings of the Council.
- (C) Keep the original of all ordinances in a book especially provided for that purpose.
- (D) Give notice of the meetings of the Council.
- (E) Act as custodian for all books, papers, records and journals of the city.
- (F) Perform such other duties as may be required of him or her by law or by the City Council.

(^90 Code, § 2-98)

#### CITY ATTORNEY

##### § 31.60 APPOINTMENT AND TERM.

The City Council shall appoint a City Attorney, who shall hold office at the pleasure of the Council.

(^90 Code, § 2-106)

##### § 31.61 GENERAL DUTIES.

The City Attorney shall:

- (A) Prosecute and defend all suits against and on behalf of the city.
- (B) Advise the City Manager, City Council, Mayor and all other officers of the city in regard to matters connected with the city's business.
- (C) Attend all meetings of the City Council.
- (D) Prepare all deeds, contracts, bonds, notes and other instruments that may be required for the proper conduct of the city's business.
- (E) Draw all ordinances granting franchises.
- (F) Approve all proposed ordinances as to form before their introduction, but his or her failure to so approve as to form any ordinance duly passed by the Council shall not impair its validity.

(^90 Code, § 2-107)

## FINANCE DIRECTOR

### § 31.75 APPOINTMENT AND TERM.

The City Manager shall appoint a Finance Director, who shall hold office at the pleasure of the City Council.

(^90 Code, § 2-111)

### § 31.76 BOND.

The City Finance Director, before entering into the duties of his or her office, shall execute a bond payable to the city in such sum as may be fixed by the City Council, conditioned upon the faithful performance of the duties of his or her office and the proper accounting of all funds that may come into his or her hands by virtue of his or her office.

(^90 Code, § 2-112)

### § 31.77 GENERAL DUTIES.

The Finance Director shall have the following powers and duties:

(A) He or she shall keep the accounts of the city in accordance with generally accepted principles of governmental accounting and the rules and regulations of the Local Government Commission, as set forth in G.S. § 159-1 et seq.

(B) He or she shall disburse all funds of the city in strict compliance with G.S. Ch. 159, the budget ordinance and each project ordinance, and shall preaudit obligations and disbursements as required by G.S. Ch. 159.

(C) As often as may be requested by the City Council or Manager, he or she shall prepare and file with the Council a statement of the financial condition of the city.

(D) He or she shall receive and deposit all moneys accruing to the city, or supervise the receipt and deposit of money by other duly authorized officers and employees.

(E) He or she shall maintain all records concerning the bonded debt and other obligations of the city, determine the amount of money that will be required for debt service or the payment of other obligations during each fiscal year, and maintain all sinking funds.

(F) He or she shall supervise the investment of idle funds of the city.

(G) He or she shall perform such other duties as may be assigned to him or her by law, by the Manager or City Council, or by rules and regulations of the Commission.

(G.S. § 159-25(a)) (^90 Code, § 2-113)

### § 31.78 SIGNATURES ON CHECKS OR DRAFTS.

Except as otherwise provided by law, all checks or drafts on an official depository shall be signed by the Finance Director and countersigned by the City Manager or another official of the city designated for this purpose by the City Council.

(^90 Code, § 2-114)