



Foundation of Town Government

March 16 | 6:30 to 9 p.m. | Durham Tech

Session Description

The Town of Hillsborough has used a Council-Manager form of government since 1989. Legislative and policymaking authority rest with a mayor and a five-member Board of Commissioners. The Mayor is elected every two years and each commissioner serves a four-year term. Elections are nonpartisan, staggered and held during odd-numbered years. The Board hires a town manager to carry out its policies, as well as to manage and direct the daily operation of the town.

The Board of Commissioners is considered a public body, and as such, each official meeting, which could be in person or simultaneous communication via electronic means, is generally open to the public. Full and accurate minutes must be kept of each official meeting.

During this session, you will learn more about the council-manager form of government, the town's strategy map, how the public's business is conducted, how laws are made, interactions with other governments and organizations, and how citizens can attend a board meeting, contact board members, propose ideas and share concerns.

Recommended Readings

- ✓ Council-Manager Form of Government Frequently Asked Questions (8 pages)
- ✓ Council-Manager Form of Government (2 pages)
- ✓ Forms of Municipal Government (4 pages)
- ✓ Hillsborough Strategy Map and Scorecard (8 pages)
- ✓ Hillsborough Organization Chart (1 page)
- ✓ Hillsborough Board of Commissioners Committee Seat Appointments (1 page)
- ✓ ICMA Code of Ethics with Guidelines (5 pages)
- ✓ List of Resources – On the Web (2 pages)
- ✓ Conducting the Public's Business (13 pages)

Council-Manager

Form of Government



**Frequently Asked
Questions**

ICMA

Leaders at the Core of Better Communities

What is the council-manager form of government, which is used today by so many cities, towns, and counties?

Council-manager government combines the strong political leadership of elected officials with the strong managerial experience of an appointed manager or administrator. All power and authority to set policy rests with an elected governing body, which includes a mayor or chairperson and members of the council, commission, or board. The governing body in turn hires a nonpartisan manager who has very broad authority to run the organization.

Born out of the U.S. progressive reform movement at the turn of the 20th century, the council-manager system was designed to combat corruption and unethical activity in local government by promoting effective management within a transparent, responsive, and accountable structure.

Since its establishment, the council-manager form has become the most popular structure of local government in the United States. The form is also widely used throughout the world in countries such as Canada, Australia, the Netherlands, New Zealand, and the United Kingdom.

How does council-manager government work?

The elected council or board represent their community and develop a long-range vision for its future. They establish policies that affect the overall operation of the community and are responsive to residents' needs and wishes.

To ensure that these policies are carried out and that the entire community is equitably served, the governing body appoints a *highly trained professional manager* on the basis of his/her education, experience, skills, and abilities (and not their political allegiances). If the manager is not responsive to the governing body, it has the authority to terminate the manager at any time.

How can council-manager government benefit my community?

A city, town, or county benefits from the council-manager form of government in a number of important ways:

1. Political power is concentrated in the *entire* governing body. The mayor and council share legislative functions
2. Policy making resides with elected officials, while oversight of the day-to-day operations of the community resides with the manager. In this way, the elected officials are free to devote time to policy planning and development

3. The manager carries out the policies established by the elected governing body with an emphasis on effective, efficient, and equitable service delivery
4. Because decisions on policy and the future of the community are made by the entire governing body rather than a single individual, council-manager governments more often engage and involve their residents in decision making. Residents guide their community by serving on boards and commissions, participating in visioning and strategic planning, and designing community-oriented local government services
5. The form is flexible enough to adapt to local needs and demands. For example, some communities elect their councils at large, while others elect them by district or by a combination of an at-large-and-by-district system. Also, the mayor can be directly elected by voters or selected by and from among the council.

What is the role of the manager under council-manager government?

The manager is hired to serve the council and the community and brings to the local government the benefits of his/her training and experience in administering municipal or county projects and programs. The manager prepares a budget for the council's consideration; recruits, hires, terminates, and supervises government staff; serves as the council's chief advisor; and carries out the council's policies. Council members and residents count on the manager to provide complete and objective information about local operations, discuss the pros and cons of alternatives, and offer an assessment of the long-term consequences of their decisions.

Appointed managers serve at the pleasure of the governing body. They can be fired by a majority of the council, consistent with local laws, or any employment agreements they may enter into with the council. The manager makes policy recommendations to the council for consideration and final decision. The manager is bound by whatever action the council takes, and control is always in the hands of the elected representatives of the people.

What is the role of the council?

The council is the community's legislative and policy-making body. Power is centralized in the elected council, which, for example, approves the budget and determines the tax rate. The council also focuses on the community's goals, major projects, and such long-term considerations

as community growth, land use development, capital improvement and financing, and strategic planning. The council hires a professional manager to implement the administrative responsibilities related to these goals and supervises the manager's performance.

What is the role of the mayor or chairperson?

Mayors or chairpersons in council-manager communities are key political and policy leaders, and their specific duties, responsibilities, and authorities depend on the organization's charter. In council-manager communities, typically the mayor or chairperson is a voting member of the city council who presides at council meetings, represents the city in intergovernmental relationships, appoints members of citizen advisory boards and commissions (with the advice and consent of council), assigns agenda items to committees, facilitates communication and understanding between elected and appointed officials, and assists the council in setting goals and advocating policy decisions.

What value does a professional manager contribute to a community?

Professional managers contribute value to a community because they:

- Work in partnership with elected officials to develop sound approaches to community challenges by bringing together resources to make the right things happen and produce results that matter
- Bring a community-wide perspective to policy discussions and strive to connect the past and future while focusing on the present. They help the governing body develop the long-term vision for the community that provides a framework for policy development and goal setting
- Promote ethical government through commitment to a set of ethical standards that goes beyond those required by law. Managers who are members of ICMA subscribe to the organization's Code of Ethics, which requires them to "affirm the dignity and worth of the services rendered by government and maintain...a deep sense of social responsibility as a trusted public servant"
- Encourage inclusion and build consensus among diverse interests (including those of elected officials, the business community, and citizens) by focusing on the entire community rather than the centralized interests of one or two individuals

- Promote equity and fairness by ensuring that services are fairly distributed and that administrative decisions (such as hiring and contracting) are based on merit rather than favoritism
- Develop and sustain organizational excellence and promote innovation. Professional managers focus relentlessly on efficient and equitable service delivery, policy implementation, and evaluation. They align the local government's administrative systems with the values, mission, and policy goals defined by the community and elected officials.

Does it cost more for a community to adopt the council-manager form and hire a professional manager?

Many local governments have found that their overall costs are actually reduced under competent management. Savings can come from decreased operating costs, increased efficiency and productivity, improved revenue collection, and effective use of technology. The economic health of the community may also benefit from implementation of improved business development and retention strategies.

What kinds of communities use the council-manager form of government?

In 2007, more than 3,500 (49 percent) of the 7,171 U.S. cities and towns with populations of 2,500 residents or more operated under the council-manager form. This structure is also used by more than 370 counties. More than 92 million people in the U.S. live in communities that operate under this form.

Is the council-manager form popular among larger communities?

Of the 247 U.S. cities with populations greater than 100,000 residents, 144 (58 percent) use this form of government. Larger cities and counties that use the form include:

- Broward County, Florida (pop. 1,623,000)
- Charlotte, North Carolina (pop. 540,000)
- Dallas, Texas (pop. 1,188,000)
- Fairfax County, Virginia (pop. 969,000)
- Las Vegas, Nevada (pop. 535,000)
- Mecklenburg County, North Carolina (pop. 695,000)
- Oklahoma City, Oklahoma (pop. 506,000) *(continued)*

(continued)

- Phoenix, Arizona (pop. 1,321,000)
- San Antonio, Texas (pop. 1,144,000)
- San Jose, California (pop. 894,000)
- Virginia Beach, Virginia (pop. 425,000)
- Wichita, Kansas (pop. 344,000)

How can a community adopt the council-manager form of government?

Most communities can adopt council-manager government through a charter, local ordinance, state enabling law, or by voter referendum. For information on how your community can adopt council-manager government, contact your state municipal league or association of counties. You can locate the addresses of these organizations on the Internet, or in the back section of ICMA's *Municipal Year Book*, which you may find in your local library.

Once a community adopts council-manager government, how does it choose a professional manager?

The vacancy usually is announced in the *ICMA Newsletter*, and managers, assistants, and other individuals from across the country are invited to apply. Interested parties apply directly to the council, which reviews the applications and interviews qualified candidates. ICMA makes no recommendations regarding candidates. Additional information is available in ICMA's *Recruitment Guidelines Handbook*. To download a copy, visit <http://jobs.icma.org> and click on "Recruitment Guidelines Handbook" under "Resources."

What kind of educational and professional experience do professional local government managers possess?

Nearly 67% of managers surveyed by ICMA in 2006 indicated that they had earned a master's (usually in public administration, business, or public policy), or other advanced degree. Respondents to the same survey said they had spent an average of 19 years in the local government management profession.

Do professional local government managers have a membership organization?

Yes. ICMA (the International City/County Management Association) is the premier local government leadership and management organization that serves as the

professional and educational “home” for appointed professional managers and administrators. ICMA’s membership also includes directors of state associations of local governments, other local government employees, academics, students, and concerned citizens who share the goal of improving local government.

ICMA’s mission is to create excellence in local governance by developing and fostering professional local government management worldwide. To that end, the organization provides technical assistance and publications for management professionals to help them improve their skills and increase their knowledge. ICMA also serves as a clearinghouse for the collection, analysis, and dissemination of information and data about local government.

Why is membership in ICMA important for a professional local government manager?

In addition to gaining access to valuable resources and lifelong professional development opportunities, managers who belong to ICMA are bound by its Code of Ethics, which states that every member of the organization shall act with integrity in all personal and professional matters so that they will merit the respect and trust of elected officials, employees, and the public. This stringently enforced Code specifies 12 ethical principles of personal and professional conduct, including dedication to the cause of good government.

ICMA members believe in the effectiveness of representative democracy and the value of government services provided equitably to residents within a community. ICMA members are also committed to standards of honesty and integrity that go beyond those required by the law. For more information, contact ICMA or visit <http://icma.org/ethics>.

Finally, ICMA defines professional management and recognizes individual members who are qualified by a combination of education and experience, adherence to high standards of integrity, and an assessed commitment to lifelong learning and professional development. ICMA members who meet these requirements may earn designation as an ICMA Credentialed Manager. For more information on ICMA’s Voluntary Credentialing Program, visit <http://icma.org/credentialing>.

Are there other, independent organizations that support council-manager government?

The National Civic League (NCL) is America's original advocate for community democracy. This nonprofit, nonpartisan membership organization is dedicated to strengthening citizen democracy by transforming democratic institutions. NCL accomplishes its mission through technical assistance, training, publishing, research, and promoting the All-America City Awards, America's original and most prestigious community recognition program.

Founded in 1895, NCL serves as a clearinghouse for information on methods of improving state and local government. The League's *Model City Charter*, now in its eighth edition, has endorsed council-manager government since 1915.

For further information, contact

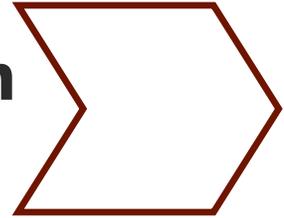
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Town of Hillsborough
Citizens Academy



Council-Manager Form of Government

Forms of Municipal Government: Please see attachment for summary of various forms of municipal government.

History of Council-Manager Form

- Originated in 1912, North Carolina an early adopter
- Primary reasons for adoption: infrastructure, more business-like model, and diffusion of power through “checks & balances”
- Evolution of the profession (most common form of municipal government, ICMA, NCCMA, and code of ethics)

How it works: Roles of Mayor, Board, Manager, and Staff

Cities are “creatures of the state”

Quick “snapshot”

- ✓ ***Mayor & Board:*** adopt law, policy (short & long-range), direction, oversight, communication, spending authorization through the budget and budget amendment processes, development approval in prescribed circumstances, main link and accountability to citizens. Hires and fires the manager.
- ✓ ***Manager:*** serves the board as a whole (no orders from individuals, must come from the body), budget preparation, advise/recommend/implement, run daily operations, hire/fire/discipline responsibility. Provides information equally to board (i.e., any information requests of consequence are given to the requesting board member, as well as the entire board. Serves at the pleasure of the board and can be fired for any reason.
- ✓ ***Staff:*** handles daily operations, carries out board policies through the manager - cannot implement direct orders from elected officials as those must be routed through the manager’s office.

Mayor (differs throughout N.C.)

- ✓ Official head of city for serving civil process, correspondence, and representation in key matters (e.g., legal, ceremonial, and other).
- ✓ Power to call special meeting.
- ✓ Presides over meetings.
- ✓ Often functions as the “chief collaborator,” facilitating problem solving and policy change, but that is dependent on the skills/personality/philosophy of the mayor.
- ✓ Hillsborough: serves two year terms, non-partisan, votes only to break ties.

City Council/Town Board

- ✓ Hillsborough’s Board of Commissioners are elected to four-year staggered terms, non-partisan, and at-large. *Note: only about 10 of North Carolina’s 550+ municipalities have partisan elections.*
- ✓ “Except as otherwise provided by law, the government and general management of the city shall be vested in the council” (N.C.G.S. 160A-167).

- ✓ Council has the ability to confer powers to the mayor and manager, in addition to statutory authority these positions already possess.
- ✓ Council has authority to organize and reorganize city government. Unless prohibited by law it can “...create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies...to promote orderly and efficient administration of city affairs...” (G.S. 160A-146).
- ✓ Appoints city manager to serve at its pleasure (e.g., hires, evaluates, and fires per G.S. 160A-147).

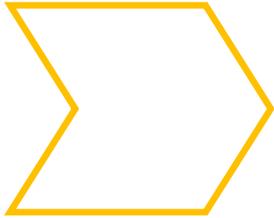
Manager

- ✓ Chief administrator of the city: directs and supervises all departments, offices, and agencies of the city, subject to the direction of the council.
- ✓ Appoints, suspends, or removes all city officers and employees not elected by the people, unless otherwise stated by law. *Note: the city attorney reports directly to the city council.*
- ✓ Prepare and submit budget and capital program to the council, then administer once adopted.
- ✓ Prepare reports, information, and carry out other duties as required by council
- ✓ See that all applicable laws of the State, charter, and the ordinances, resolutions, and regulations of the council are carried out.
- ✓ Managers are to be politically neutral, equally serve and share information with all members of the council, report to the board as a whole, carry out council directives even if it runs counter to their recommendations or beliefs, present issues in a balanced manner, etc.
- ✓ Follows International City-County Management Associations (ICMA) Code of Ethics

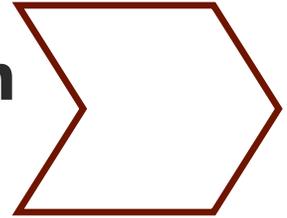
Manager backgrounds and qualifications. Managers come from a variety of backgrounds and experiences. The most common career path involves obtaining a Master of Public Administration or similar degree, then starting to gain experience in entry level positions and working their way up through an organization and/or moving to a different organization to gain experience. As an example, here’s a quick summary of Eric Peterson’s background:

- 28 years local government experience, 25 years as a town manager
- B.S. in Political Science, specializing in local government, minor in Planning (Appalachian State)
- Master of Public Administration (UNC Chapel Hill)
- Management Intern, City of Georgetown, SC (1987 – 1988)
- Management Analyst, City of Kinston, NC (1989 – 1990)
- Town Manager, Town of Tabor City (1990 – 1991)
- Town Manager, Town of Topsail Beach (1991 – 1997)
- Town Manager, Town of Hillsborough (1997 to present)

- Professional Development & Publications
 - UNC School of Government – Municipal and County Administration (7 months)
 - John F. Kennedy School of Government at Harvard, State & Local Government Executives (3 weeks)
 - Annual conferences, seminars, and classes in a variety of areas
 - Instructed annually at the UNC School of Government for the past 23 years, teaching other local government officials on topics such as budgeting, performance measurement, and others.
 - Publications: written articles for Government Finance Review, Public Management, Popular Government, Southern City and Law Officer on building trust and communication through a multi-year budget process, managing natural disasters in a small town, balanced scorecard and performance measurement, and reducing accidents and costs through police driver safety training.



Town of Hillsborough
Citizens Academy



Forms of Municipal Government

From the National League of Cities (NLC) Website

A municipal charter is the legal document that defines the organization, powers, functions, and essential procedures of the city government. The charter also details the form of municipal government, of which there are historically five forms: council-manager, mayor-council, commission, town meeting and representative town meeting.

Council-Manager

Characteristics include:

- City council oversees the general administration, makes policy, sets budget
- Council appoints a professional city manager to carry out day-to-day administrative operations
- Often the mayor is chosen from among the council on a rotating basis

This is the most common form of government. According to surveys by the International City/County Management Association (ICMA), this form of government has grown from 48% usage in 1996 to 55% usage in 2006. It is most popular in cities with populations over 10,000, mainly in the Southeast and Pacific coast areas. Some examples are Phoenix, Arizona; Topeka, Kansas; Salt Lake City, Utah and Rockville, Maryland.

Mayor-Council

Characteristics include:

- Mayor is elected separately from the council, is often full-time and paid, with significant administrative and budgetary authority
- Depending on the [municipal charter](#), the mayor could have [weak or strong powers](#)
- Council is elected and maintains legislative powers
- Some cities appoint a professional manager who maintains limited administrative authority

Occurring in 34% of cities surveyed by International City/County Management Association (ICMA), this is the second most common form of government. It is found mostly in older, larger cities, or in very small cities, and is most popular in the Mid-Atlantic and Midwest. Cities with variations in the mayor-council form of government are New York, New York; Houston, Texas; and Minneapolis, Minnesota.

Commission

Characteristics include:

- Voters elect individual commissioners to a small governing board
- Each commissioner is responsible for one specific aspect, such as fire, police, public works, health, finance
- One commissioner is designated as chairman or mayor, who presides over meetings

- The commission has both legislative and executive functions

The commission form of city government is the oldest form of government in the U.S., but exists today in less than 1% of cities. It typically occurs in cities with populations below 100,000, such as Sunrise, Florida and Fairview, Tennessee.

Town Meeting

Characteristics include:

- All voters meet to decide basic policy and elect officials to carry out those policies

Although the town meeting form of government is generally viewed as the purest form of democracy, because it allows all eligible voters a voice in local policy decisions, it is practiced in only 5% of municipalities.

Town meeting government is found in Marblehead, Massachusetts.

Representative Town Meeting

Characteristics include:

- Voters select a large number of citizens to represent them at town meetings, where only they can vote
- Each town meeting must be announced with a warrant that provides the date, time and location of the meeting and specifies the items to be discussed
- The selectmen are responsible for implementing policy

This form of government is found in fewer than 1% of cities, almost exclusively in small, New England municipalities, such as Bowdoin, Maine and Lexington, Massachusetts.

Current Trends

Recent examinations of government structure indicate that these forms of government are less distinct than they once were. This is due, in part, to the common practice of incorporating structural features from other forms into one's current form. This mixing is also attributed to local responses to socioeconomic, demographic, and political changes. The most common mixing occurs across the two most prevalent forms, mayor-council and the council-manager. Among all cities proposing a change to their structure of government, the most common proposal was to add the position of [chief administration officer/city manager](#). This professionalization of government administration also had the highest percentage of voter approval. Among other proposed changes, 50% or more respondents of ICMA's 2006 survey reported voter approval to increase or decrease the number of council members, to modify the method of electing the mayor and to decrease the power or authority of the mayor.

The Form of Government in the Thirty Most Populous Cities

Listed below is the form of government for the thirty most populous cities in the United States, based on the 2010 U.S. Census figures. The forms of government are informed by the member database at the National League of Cities.

Rank	City Name	State	Form Of Government
1	New York	NY	Mayor-Council

2	Los Angeles	CA	Mayor-Council
3	Chicago	IL	Mayor-Council
4	Houston	TX	Mayor-Council
5	Philadelphia	PA	Mayor-Council
6	Phoenix	AZ	Council-Manager
7	San Antonio	TX	Council-Manager
8	San Diego	CA	Mayor-Council
9	Dallas	TX	Council-Manager
10	San Jose	CA	Council-Manager
11	Indianapolis	IN	Mayor-Council
12	Jacksonville	FL	Mayor-Council
13	San Francisco	CA	Mayor-Council
14	Austin	TX	Council-Manager
15	Columbus	OH	Mayor-Council
16	Fort Worth	TX	Council-Manager
17	Louisville-Jefferson County	KY	Mayor-Council
18	Charlotte	NC	Council-Manager
19	Detroit	MI	Mayor-Council
20	El Paso	TX	Council-Manager
21	Memphis	TN	Mayor-Council
22	Nashville-Davidson	TN	Mayor-Council
23	Baltimore	MD	Mayor-Council
24	Boston	MA	Mayor-Council
25	Seattle	WA	Mayor-Council
26	Washington	DC	Mayor-Council
27	Denver	CO	Mayor-Council
28	Milwaukee	WI	Mayor-Council

29	Portland	OR	Commission
30	Las Vegas	NV	Council-Manager

Sources

Barnes, William R. "Forms and Structure of Municipal Government in the United States." Presentation to the Convention of Scottish Local Authorities, Edinburgh, Scotland, October 24, 1991.

DeSantis, Victor S. and Tari Renner. "City Government Structures: an Attempt at Classification." *State and Local Government Review*, 34(2) (Spring 2002).

Frederickson, H. George, Curtis Wood, and Brett Logan. "How American City Governments Have Changed: The Evolution of the Model City Charter" *National Civic Review* 90(1) (2001).

Frederickson, H. George, and Gary Alan Johnson. "The Adapted American City: A Study in Institutional Dynamics." *Urban Affairs Review* 36(6) (July 2001).

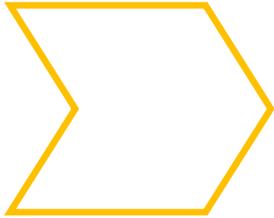
Krane, Dale, Platon Rigos, & Melvin B. Hill, Jr. *Home Rule in America: A Fifty-State Handbook*. Washington, D.C.: CQ Press, 2001.

Moulder, Evelina. "Municipal Form of Government: Trends in Structure, Responsibility, and Composition." In *The Municipal Year Book 2008*. Washington, D.C.: International City/County Management Association, 2008.

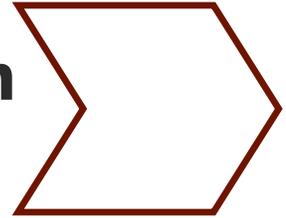
National League of Cities. *Choices of the Citizenry: Forms of Municipal Government*. Washington, DC: National League of Cities, May 1989.

Svara, James H. "The Shifting Boundary Between Elected Officials and City Managers in Large Council-Manager Cities" *Public Administration Review* 59(1) (January-February 1999).

Svara, James H. [*Two Decades of Continuity and Change in American City Councils*](#). Washington, D.C.: National League of Cities, September 2003.



Town of Hillsborough
Citizens Academy



Strategy Map

Vision for Hillsborough

We envision Hillsborough as a prosperous town, filled with vitality, fostering a strong sense of community, which celebrates its unique heritage and small-town character.

Mission of Town Government

We are stewards of the public trust who exist to make the vision for Hillsborough a reality. We manage and provide the infrastructure, resources, and services that enhance the quality of life for the living beings and land within our town.



Serve the Community

Strengthen Citizen Engagement	Conserve Cultural & Natural Resources	Increase Citizen and Community Safety	Enhance Economic Vibrancy	Expand Recreation, Walkability, and Connectivity
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Run the Operations

Enhance Emergency Preparedness	Provide Responsive and Dependable Services	Manage Projects Effectively	Improve Communication and Collaboration	Excel at Staff and Logistical Support
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Manage Resources

Maintain Fiscal Strength	Invest in Infrastructure	Develop Long-term Financial Plans	Deliver Services Efficiently
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Develop Know-How

Develop a Skilled and Diverse Workforce	Support Development of Citizen Volunteers	Enhance Relations with Other Entities
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Town Board Strategic Priorities

Quality of Life

Superior Services

Community Safety

Strategic Growth

We Value

High quality services and high quality customer service

Hillsborough's small town nature and sense of community

Serving as a catalyst for change

Sustaining

Hillsborough's unique "sense of place" including its history, architecture, citizens, river, and mountains

Maintaining and celebrating our community's diversity

Inclusion of all neighborhoods and areas of our town - Hillsborough is for everyone

Affordability - keeping the cost of services and living within reach of people who live and work here

Vibrancy - fostering a "Happening Hillsborough" that is alive, growing, and filled with positive energy

BALANCED SCORECARD – RATIONALE, OVERVIEW, & PROCESSES

What is the Balanced Scorecard?

A group of measures used to help implement an organization's strategy. It is a tool/system for the leaders to use in communicating to employees and the community the outcomes and performance drivers by which the organization will achieve its mission and strategic objectives.

Rationale and Benefits of the Balanced Scorecard

- *Clarifies and communicates organizational vision.* Translates your vision and strategy into a coherent set of measures, targets and initiatives that can be communicated throughout the organization and community by 1) more clearly describing the Board's strategy by taking potentially vague policy directives (mission, vision, goals, and objectives) and making them easier to understand by defining them and choosing performance measures to gauge their progress; 2) sharing Scorecard results throughout the organization and community gives employees and citizens the opportunity to discuss the assumptions underlying the strategy, learn from unexpected results, and deliberate on future modifications as necessary. Simply understanding an organization's strategy can unlock many organizational capacities, thus allowing employees and citizens, maybe for the first time, to know where the organization is headed and how they can contribute during the journey. The Scorecard brings meaning and action to a vague objective like "provide superior service."
- *Better data for policy making.* The Balanced Scorecard promotes questions, dialogue, analysis, innovation, experimentation, adaptability, and accountability.
- *Helps let us know if we are getting closer or drifting further away from achieving our goals.*
- *Resource alignment and allocation:* 1) To successfully implement any strategy it must be understood and acted upon throughout all levels of the organization and ultimately be enacted during departments' day-to-day activities; 2) Establishing long-term "stretch targets" allows the organization to identify the key steps necessary to achieve its goals; and 3) Aligns resources (time, effort, and money) so the initiatives in all departments and levels share a common trait, their linkage to the Town's strategic goals.
- *Strategic learning* – any strategy we pursue represents a hypothesis or your best guess of how to achieve success. To prove meaningful, the measures on the Scorecards must link together to tell the story that describes what you are trying to achieve through your strategy.
- *Balance:* 1) between financial and non-financial indicators, 2) between internal and external constituents of the organization, and 3) between lag and lead indicators of performance (i.e., what we've done in the past and where we want to go in the future).

Improves likelihood of accomplishing key goals by not only helping to keep leadership, management, departments, and employees focused on top priorities, but also by improving communication between all interests thus making it easier to effectively troubleshoot and make logical "changes in course" that result in successfully delivering the type of services the community expects.

Using Strategy & The Balanced Scorecard to Get Results

Any strategy the Town pursues represents a hypothesis or a best guess of how to achieve success. To prove meaningful, the

measures on the Scorecard must link together to tell the story of, or describe, that strategy. For example, if the Town believes that an investment in employee training will lead to improved quality it needs to test the hypothesis through the measures appearing on the Scorecard. If employee training does increase, but quality actually decreases, then it may not be a valid assumption. Instead, focus could turn to another possible factor, but more importantly, the Town has information in which to act and make decisions.

Strategy to achieve a desired outcome is often a new destination, somewhere the organization has not yet traveled to before. The Balanced Scorecard provides the Town a method to document and test assumptions inherent in the strategies it adopts. It may take considerable time to gather sufficient data to test such correlations, but simply beginning to question the assumptions underlying the strategy is a major improvement over making decisions based purely on financial numbers or subjective information.

A well-designed Balanced Scorecard should describe the Town or department's strategy through the objectives and measures chosen. These measures should link together in a chain or cause-and-effect relationships from the performance drivers in the Develop Employees Perspective (Employee Learning and Growth) all the way through Serve the Community Perspective (Customer). Documenting our strategy through measurement, making the relationships between the measures so specific they can be monitored, managed, and validated. Only then can we begin learning about, and successfully implementing our strategy.

Process Used to Develop the Balanced Scorecard

1. At the January 22, 2007 Budgetary Goal-Setting Retreat the Board developed Vision & Mission Statements, Strategic Priorities, Perspectives, and Objectives for FY08.
2. The information from the Retreat was used to develop a Draft Strategy Map.
3. The Town Manager "wordsmithed" proposed definitions for each Focus Area and Objective, based on Town Board discussions during the Retreat
4. Professor Bill Rivenbark from the UNC School of Government reviewed proposed initiatives, performance measures, and targets from the Town departments. He also conducted a training session for the Town's Management Team to assist them in making their first Balanced Scorecard submissions as part of the FY08 Budget Process.
5. Draft Strategy Map and Town-Wide Balanced Scorecard were distributed to Departments.
6. Departments chose the Focus Areas and Objectives that they could influence and incorporated them into their own Strategy Map, Balanced Scorecard, and Action Plans.
7. Draft plans were reviewed with the Town Manager and necessary amendments were made.
8. Draft plans were presented to the Town Board at the March 26th Workshop for feedback, discussion, and guidance.
9. Balanced Scorecards were incorporated into the budget process as departments started work on preparing their FY08 budget and FY08-10 Financial Plan requests.
10. The first mid-year Balanced Scorecard/Town Performance Update occurred January 2008 and was reviewed during the Board's FY09 Budgetary Planning Retreat.
11. The first annual Balanced Scorecard Report was presented August 2008.

12. With the development of the FY16 budget, departmental Scorecards went through their eighth formal review and were updated as needed.

DEVELOPING DEPARTMENTAL STRATEGY

Departmental Strategy Maps & Balanced Scorecards

A good map and scorecard will do the following:

- Tell the story of the department's strategy.
- Shows that every objective selected is a linkage in the cause-and-effect relationships that compose the Town's strategy.
- Drive performance by using a variety of measures and targets that look at short & long-term results to encourage proactive management.
- Involve the participation of division heads, key staff, and employees throughout the department.
- Is financially viable.
- Positively changes departmental behavior by developing strategic initiatives.

Step #1 – Town-Wide Objectives Selected to Build a Scorecard & Map

Departments determine what they can do to support and respond to the Town-wide strategy, Balanced Scorecard, and achieve the departmental mission. Departments select the objectives they can meet to help the Town Board in pursuing the achievement of the five Strategic Priorities, vision, and mission. The objectives selected from each of the four perspective areas are used to create the department's strategy map.

Step #2 – Developing Departmental Initiatives

These are the critical activities the department must pursue to achieve the Town-wide objective and the department's mission.

- Initiatives detail what the department must do to achieve a Town-wide objective or achieve the departmental mission.
- Initiatives identify the highest priority activities to show where resources are most needed to achieve the overall departmental strategy.
- Initiatives may apply to all divisions within a department or just one division.
- Initiatives describe how the department will respond to the Town-wide objective.
- Initiatives are written so that divisions and employees can determine how they can respond to support the department's effort to achieve the objective and mission.

Step #3 – Developing Measures and Targets

Each departmental initiative does not have to have a measure, but there should be a way to evaluate the achievement of the initiative or whether or not it was accomplished. There are two goals for strategic measures: organizational motivation and strategic learning.

Organizational Motivation – Measures are a very effective tool in improving performance and/or accomplishing goals. A November 2001 article by Edwin Locke in Harvard Business Review titled "Motivation by Goal Setting" cites a survey of more than 500 studies indicates that performance increases an average of 16 percent in companies that establish targets. *A primary reason for this may be because measures give employees clear direction and guidance as to what they need to accomplish.* When employees focus their efforts on achieving key initiatives that are aligned with Town-wide

objectives and strategic priorities, then there is much greater probability that a well coordinated effort is made in fulfilling the Town's mission and the Board's vision. The effort to clearly articulate the Town's top priorities to assist employees compliments the old saying that "people do what you inspect, not what you expect."

Strategic Learning – Measures are a way to monitor departments' progress in achieving the Town-wide objectives and their initiatives. Any strategy used to achieve initiatives, objectives, or strategic priorities represents a hypothesis of how to succeed. Strategy to achieve a desired outcome or solve a problem is often a new destination, a place that the Town has not yet traveled to before. Measures and targets provide a way to test assumptions inherent in the strategies we select to pursue our goals. Documenting our strategy through measurement allows management, employees, elected officials, and the public to monitor, manage, validate, question, and/or deliberate possible adjustments to our strategy. If this can occur, then the Town starts becoming a "learning organization" where being analytical, adaptive, and responsive to the hypotheses we've tested become keystones of the organizational culture that helps the Town successfully implement its strategy.

Components of a good measure

- Measures should be specific. Stating that the HPD will be the "best" police department or that Billing & Collection will "maximize customer satisfaction" are more like vision statements and are difficult to measure.
- There are ways to measure less tangible goals. Surveys, if properly designed, can be used to measure the perception of service quality, awareness of issues, customer satisfaction, etc.
- Does the measure really evaluate the initiative being pursued?
- Is the measure reliable?
- Is the measure easy to understand and explain?
- Are departments using a variety of measures in evaluating their initiatives (workload, results, efficiency, effectiveness, short-term v. long-term)?
- Does the measure clearly communicate the expected performance?
- It is important to know where you are and where you want to go. Ideally, departments should have a baseline measure for current performance in the form of last year's actual data, best practices or industry standards for comparison. When baselines do not yet exist a TBD (to be determined) is placed in the appropriate area to indicate the department is in the process of getting this data.

Guidelines for Setting Targets

1. Targets should be realistic, but challenging enough to motivate greater accomplishment.
2. Departments can be more aggressive when setting multi-year targets.
3. Provide a rationale explanation as to why achieving a target is important, especially with stretch targets.
4. When setting a target departments should review the linkage (cause-and-effect relationship) of the "enabling" perspectives to make sure they have the ability to achieve the target, thus the following questions should be asked:
 - Do departmental personnel have the skills and tools necessary to get the job done?
 - Does the department have sufficient resources/funding?
 - Are internal operations adequate?

Stretch Targets – these are usually long-term or multi-year goals. Departments should only set one to two stretch targets per year. These are reserved for those initiatives that are critical in making a particular breakthrough. Stretch targets can be especially useful to help a department break from its comfort zone or traditional way of running operations so as to spark creative thinking and results-oriented problem-solving. Every department should have at least one stretch target.

Step #4 – Complete the Departmental Map

Finally, departments insert the objectives they plan to pursue, describe how they are responding to each perspective by answering the questions inside of the text boxes on the right side of their strategy map. The map is intended to graphically represent the department’s strategy in an easy to interpret manner.

BALANCED SCORECARD – STRATEGIC PRIORITIES

Quality of Life

The Town is always searching for ways to add value to the community and individual citizen's lives by preserving Hillsborough's history and heritage (cultural, social, demographic, and economic); providing parks, recreation opportunities, sidewalks and greenways; improving transportation; making housing affordable for all citizens; protecting the environment; and supporting cultural activities and the arts.

Superior Services

Essential municipal services provided to the community should be a good value, customer-service focused, dependable, relevant (services that the community wants and needs), conducted in a professional, well-managed, and sustainable manner. The Town will ensure that training opportunities are provided to employees, elected and appointed officials, and volunteers to create an environment of continual growth, learning, and a willingness to implement innovative strategies, technologies, processes, and approaches that result in more efficient and effective service provision to the citizens of Hillsborough.

Community Safety

Hillsborough will be the safest small town in the country. Citizens will feel safe wherever they may be in town, when driving or riding bikes on the streets, strolling on sidewalks, while playing in parks, safe from the threat of fire, and when drinking a glass of water. The Police Department will focus on crime prevention, enforcement, and convictions (when appropriate). Citizens will feel confident that when emergencies arise the Town will be prepared to respond in a quick and effective manner.

Strategic Growth

Plan and manage growth in a manner that yields development which maintains Hillsborough's small town character and improves the quality of life for citizens. The Town will use forward-thinking planning to create policies, processes, requirements, and plans that address land use, transportation, environmental protection, recreation, public safety, financial, and other critical issues will be used to ensure new development enhances rather than detracts from the community. All new development, especially in areas requesting annexation, should clearly contribute to the financial sustainability of the town. Encourage and plan for economic development to promote sustainability, support current businesses, bring new businesses to town, stimulate economic prosperity through quality job creation, and serve as a catalyst for growth and development.

BALANCED SCORECARD – PERSPECTIVES

The “balanced” portion of the Scorecard uses four perspectives to answer critical service delivery questions. This helps provide the balance organization’s need to successfully plan, implement, measure, and evaluate performance.

Customer Perspective:

Serve the Community – What is our mission and vision? What do our customers want?

Managers must know if the Town is meeting citizen needs. They must determine the answer to the question: Is the organization delivering the services the community wants?

Internal Business Perspective:

Run the Operations - What internal processes must we excel at to provide valuable services to the community while achieving the mission and vision?

Managers need to focus on those critical operations that enable them to satisfy citizens. Managers must answer the question: Can the organization improve upon a service by changing the way a service is delivered?

Financial Perspective:

Manage Resources – How do we deliver quality services efficiently and remain financially sound while achieving the mission and vision?

Managers must focus on how to meet service needs in an efficient manner. They must answer the question: Is the service delivered at a good price?

Learning & Growth Perspective:

Develop Know-How – What skills, tools, and organizational climate do our employees need to meet the community’s needs while achieving the mission and vision?

An organization’s ability to improve and meet citizen demands ties directly to the employees’ ability to meet those demands. Managers must answer the question: Is the organization providing employees with the training, technology, and proper work environment to enable them to succeed and continuously improve?

BALANCED SCORECARD – OBJECTIVES BY PERSPECTIVE

Serve the Community

What do our citizens want? What must be done to implement the vision and mission?

- **Strengthen Citizen Involvement & Access** – Improve the quality and frequency of communication to enhance public access to information about Town services, meetings, key issues, and emergency situations. Provide a variety of ways for citizens to meaningfully share ideas, concerns, and questions with Town officials.
- **Conserve Cultural & Natural Resources** – Protect the environment, historic district, landmarks, and intangible assets such as community and cultural events that bring Hillsborough’s diverse citizenry together.
- **Increase Citizen & Community Safety** – Accomplish this by building relationships and problem-solving partnerships with citizens, businesses, neighborhood watch groups, and using policing strategies that target specific types of crimes and “hotspot areas.” Increasing police presence, having police officers and Town officials be accessible, approachable, improving community appearance, and addressing nuisance conditions will make Hillsborough a safer town.
- **Enhance Economic Vibrancy** – Achieve via diverse economic development, support of locally owned businesses, and promoting Hillsborough as a place to work, live, and play.
- **Expand Recreation, Walkability, & Connectivity** – Provide recreation and pedestrian facilities to encourage healthy lifestyles, citizen interaction, and to offer a variety of transportation choices that link Hillsborough’s neighborhoods together in an accessible manner.

Run the Operations

What internal processes must we excel to provide valuable services while achieving the vision and mission?

- **Enhance Emergency Preparedness** – Improve the ability to effectively anticipate and respond to emergency situations, from minor incidents to major disasters, through planning, training, collaboration with public and private agencies, and community education.
- **Improve Communication & Collaboration** – Increase the quality and frequency of communications throughout all areas of the organization to promote problem-solving partnerships within and outside of the organization. Good communication enables the vision to be implemented.
- **Excel at Staff & Logistical Support** – Ensure outstanding internal support is being provided to all departments, employees, elected officials, advisory board members, and volunteers that deliver services or directly serve the community. Use technology, where practical, to improve service delivery and save taxpayer dollars.

- **Provide Responsive & Dependable Services** – Provide quality services to citizens in a courteous, responsive, and reliable manner that is effective in achieving desired results. Excel at the technical aspects of providing services to the community.
- **Manage Projects Effectively** – Ensure projects are well planned, include contingency plans for reasonably anticipated complications, stay on course, meet goals, and come in on or under budget.

Manage Resources

How do we deliver quality services efficiently and remain financially sound while achieving the vision and mission?

- **Maintain Fiscal Strength** – Support fiscal policies and controls that keep the Town government in a financially strong position, thereby allowing it to respond to unforeseen problems, emergencies, as well as opportunities. Continually look for opportunities to diversify revenue sources and leverage outside funding opportunities.
- **Invest in Infrastructure** – Prioritize funding for infrastructure maintenance to avoid excessive deterioration while minimizing long-term operational and capital costs. New infrastructure investments help achieve key priorities and optimize the use of current assets.
- **Develop Long-Term Financial Plans** – Build upon current financial planning instruments to provide a longer term view of what Hillsborough’s finances and operations may look like in the future. These plans are intended to identify potential challenges, opportunities, and proactive response options.
- **Deliver Services Efficiently** – Ensure citizens are receiving a good value from their investments by delivering cost efficient services. Maximize the use of public funds through service optimization, innovation, process improvement, competition, and other means.

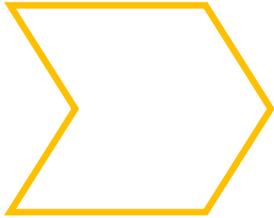
Develop Know-How

What skills, tools, and organizational climate do our employees, elected officials, and volunteer advisory board members need to meet the community’s needs while achieving the mission and vision?

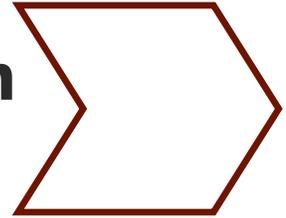
- **Develop a Skilled & Diverse Workforce** – Create a work environment that allows the Town to hire and retain a diverse workforce of skilled employees who are capable of meeting the community’s needs. Focus on career development and succession planning.
- **Support Development of Citizen Volunteers** – Definition is currently under development.
- **Enhance Relations with Other Entities** – Build relationships with others involved in the governing process, including governmental organizations, non-profits, and the private sector.

BALANCED SCORECARD – KEY DEFINITIONS & COMPONENTS

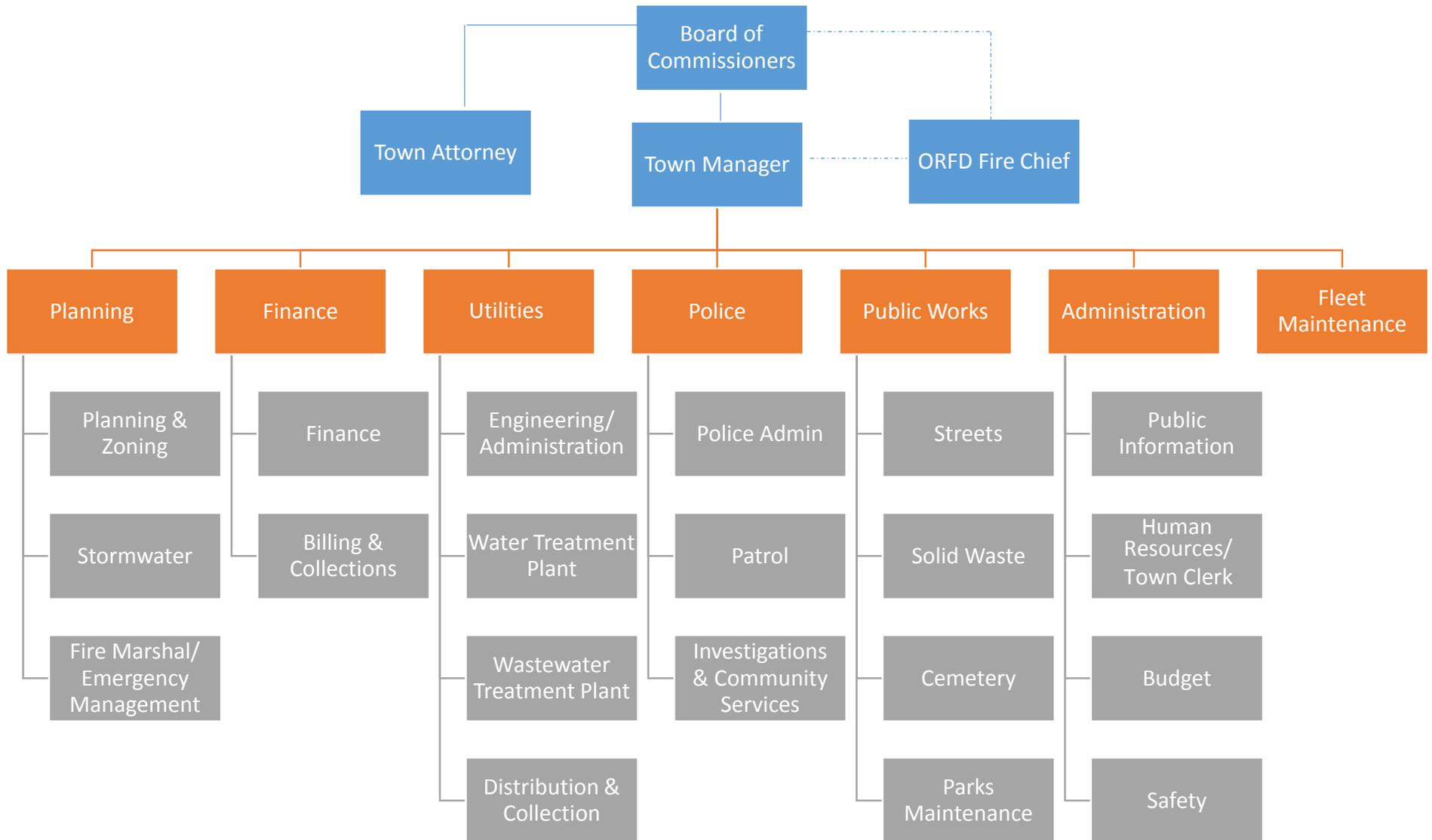
<u>Mission:</u>	Why we exist.
<u>Core Values:</u>	What we believe in, guiding principles.
<u>Vision:</u>	Word picture of the future.
<u>Focus areas:</u>	Themes on which the organization will concentrate efforts, dedicate resources, and strive to achieve significant improvements. The focus areas reflect what the Town’s Board of Commissioners believes must be done to succeed.
<u>Perspectives:</u>	The four different views that are used to create a “balanced” way of establishing objectives and measurements to assist the organization in accomplishing the vision and strategic priorities. The traditional four perspectives used in corporate strategic planning and program evaluation are 1) Financial, 2) Internal Business Process, 3) Customer, and 4) Innovation, Learning, & Growth. While the names and definitions of these perspectives are frequently modified to meet different organization’s specific needs, the original intent of these four traditional perspectives usually remains intact.
<u>Objective:</u>	A concise statement describing the specific things the organization must do well in order to execute its strategy. Objectives often begin with action verbs such as “increase,” “reduce,” “improve,” “achieve,” and similar words. Examples: Reduce Crime, Enhance Customer Service, Maintain Adequate Water Pressure, Promote Learning & Growth, Invest in Infrastructure, Deliver Competitive Services, Maintain Fiscal Strength, Maintain a Skilled & Diverse Workforce, Create Unity Between Neighborhoods, Provide Affordable Services, Protect the Environment, Enhance Walkability, etc.
<u>Measure:</u>	A standard used to evaluate and communicate performance against desired results. Reporting and monitoring measures help organizations gauge progress toward effective implementation of strategy. Example: Percentage of water customers with an average pressure of 30 PSI or greater.
<u>Target:</u>	The desired result of a measure that communicates the expected level of performance. Example: 98% of customers will have average water pressure of 30 PSI or greater. A “stretch target” is a challenging target that <u>may not</u> be met. It may be a multi-year goal with milestones.
<u>Initiative:</u>	The specific programs, activities, projects, or actions the Town will undertake in an effort to meet performance targets. This is generally a one-time activity that goes away once you do it. Examples: A) Install Maple Avenue water main connector to increase pressure in the western pressure zone, and B) Develop and implement Water Booster Pump Cost Sharing Policy for service connections with pressure below 30 PSI.
<u>Cascading:</u>	The process of developing “aligned” Scorecards throughout an organization. Each level of the organization will develop Scorecards based on the objectives and measures it can influence from the group to which they report. For example, Police Patrol aligns/connects with the Police Department, who aligns/connects with the Town-wide Scorecard by developing their own objectives and measures based on how they influence the Town-wide objectives and measures.
<u>Cause & Effect:</u>	The concept of cause and effect separates the Balanced Scorecard from other performance management systems. The measures on the Scorecard should link together in a series of cause-and-effect relationships to tell the organization’s strategic story.



Town of Hillsborough
Citizens Academy

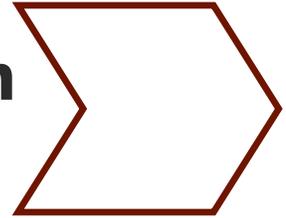


Town of Hillsborough Organization Chart





Town of Hillsborough
Citizens Academy

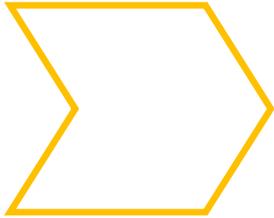


**Town of Hillsborough
Board of Commissioners
Committee Seat Appointments
2016-2017**

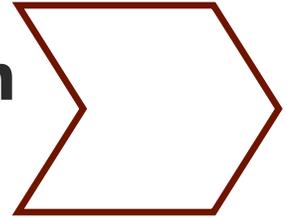
Mayor Pro Tem - Kathleen Ferguson

Committee Appointment	Meeting Frequency	Day of Week		Meeting Time	Meetings/ Yr	2016-2017 Board Member Responsible
TJ-COG Board of Delegates	Bimonthly	4th	Wed	5:30 PM	6	Ferguson (Stevens)
OC Visitors Bureau	Monthly	3rd	Wed	8:00 AM	10	Bell
Hillsborough Tourism Board	Monthly	1st	Mon	5:30 PM	12	Ferguson
TDA (Tourism Development Authority)	Quarterly?				4	Ferguson
Hillsborough Business Liaison/Chamber Economic Development	Monthly	4th	Tues	8:30 AM	12	Stevens (shared)
Transportation Advisory Board	Monthly	2nd	Wed	9:00 AM	11	Lowen/Weaver
Hillsborough Parks and Rec	Monthly	3rd	Tues	7:00 PM	12	Lowen
OC Intergovernmental Parks Work Group	Quarterly	2nd	Wed	5:30 PM	3	Lowen
Orange Rural Fire Dept.	Monthly	3rd	Thurs		12	Lloyd
Orange Rural Fire Dept. (Long Range Planning)	As needed					Lloyd & Lowen
Fire Department Relief Fund	Quarterly as needed					Lloyd
Hillsborough Water Sewer Advisory Board	Monthly	1st	Thurs	7:00 PM	12	Shared [Stevens (Feb), Lowen (Apr), Ferguson (Jun), Bell (Aug), Weaver (Oct), Lloyd (Dec)]
Upper Neuse River Basin Association	Quarterly	3rd	Wed	9:30 AM	4	Weaver
Solid Waste Advisory Board Work Group	Monthly	Set at each meeting				Bell/Lowen
OC HOME Review Committee	Quarterly	TBA		AM	4	Ferguson
Partnership to End Homelessness	Monthly	1st	Wed	5:30 PM	11	Ferguson
Community Land Trust	Monthly	2nd	Wed	6:00 PM	8	Ferguson
<i>Inactive committees/new committees</i>						<i>If reactivated, mayor will attend or appoint representative</i>

Approved: 12-14-15



Town of Hillsborough
Citizens Academy





ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in September 2013.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Tenet 3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a bona fide offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

Tenet 4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

GUIDELINE

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

Tenet 5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member’s responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member’s decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members’ personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

GUIDELINES

Gifts. Members should not directly or indirectly solicit any gift or accept or receive any gift—whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form—under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In de minimus situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member’s personal interest requires special consideration. This guideline recognizes that members’ official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on “Confidential Information”).

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

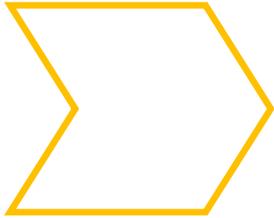
Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

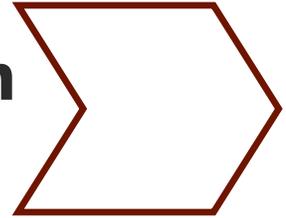
Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.



Town of Hillsborough
Citizens Academy



List of Resources – On the Web

- **School of Government:** <http://www.sog.unc.edu/>
Mission: “The mission of the School of Government is to improve the lives of North Carolinians by engaging in practical scholarship that helps public officials and citizens understand and improve state and local government.”
- **North Carolina League of Municipalities:** <http://www.nclm.org/Pages/default.aspx>
Mission: “The North Carolina League of Municipalities is a nonpartisan association of municipalities in North Carolina. The mission of the League is to enhance the quality of life in municipalities through excellent municipal governance. The League carries out this mission by:
 1. Providing member services that strengthen and support excellence in municipal government.
 2. Engaging members, staff and stakeholders in representing municipal issues and interests.
 3. Developing municipal leaders who can address the needs and interests of their citizens.”
- **National League of Cities:** <http://www.nlc.org/>
About NLC: “The National League of Cities (NLC) is dedicated to helping city leaders build better communities. Working in partnership with the 49 state municipal leagues, NLC serves as a resource to and an advocate for the more than 19,000 cities, villages and towns it represents.”
- **Triangle J Council of Governments:** <http://www.tjcog.org/>
About TJCOG: “Originally established in 1959 as the Research Triangle Regional Planning Commission, the Triangle J Council of Governments now serves a seven-county region, addressing the tough issues that transcend political boundaries. Our 37 member governments include all seven counties - Chatham, Durham, Lee, Johnston, Moore, Orange and Wake - and 30 municipal governments across those counties.”
- **Orange County:** <http://www.co.orange.nc.us/>
About OC Government: “Orange County Government has worked hard to meet the varied needs of its residents. We encourage the active involvement and participation of our residents. More than 30 boards and commissions, made up of citizen volunteers, advise the seven-member Board of County Commissioners on policy development, planning decisions and county programs.

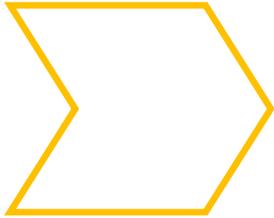
The government provides strong support for quality public education and services ranging from animal control to zoning.

County administration ensures that all departments work together in providing all possible services. Award-winning programs in child support enforcement, watershed protection and solid waste management are examples of the Orange County initiatives that better serve our residents, prepare for the future and fulfill our commitment to caring, inclusive government.”
- **International City/County Management Association:** <http://icma.org/en/icma/home>
About ICMA: “ICMA, the International City/County Management Association, advances professional local government worldwide. The organization’s mission is to create excellence in

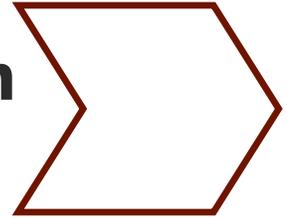
local governance by developing and fostering professional management to build better communities.

ICMA identifies leading practices to address the needs of local governments and professionals serving communities globally. We provide services, research, publications, data and information, peer and results-oriented assistance, and training and professional development to thousands of city, town, and county leaders and other individuals and organizations throughout the world. The management decisions made by ICMA's members affect millions of people living in thousands of communities, ranging in size from small towns to large metropolitan areas.”

- **Government Finance Officers Association:** <http://www.gfoa.org/>
About GFOA: “The Government Finance Officers Association (GFOA), founded in 1906, represents public finance officials throughout the United States and Canada. The association's nearly 18,000 members are federal, state/provincial, and local finance officials deeply involved in planning, financing, and implementing of thousands of governmental operations in each of their jurisdictions. The GFOA's mission is to enhance and promote the professional management of governmental financial resources by identifying, developing, and advancing fiscal strategies, policies, and practices for the public benefit. The GFOA has accepted the leadership challenge of public finance. To meet the many needs of its members, the organization provides best practice guidance, consulting, networking opportunities, publications including books, e-books, and periodicals, recognition programs, research, and training opportunities for those in the profession.”



Town of Hillsborough
Citizens Academy



Conducting the Public's Business

Open Meetings Law

North Carolina General Statutes

Article 33C.

Meetings of Public Bodies.

§ 143-318.9. Public policy.

Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly. (1979, c. 655, s. 1.)

§ 143-318.10. All official meetings of public bodies open to the public.

(a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.

(b) As used in this Article, "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. In addition, "public body" means the governing board of a "public hospital" as defined in G.S. 159-39 and the governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation to which the hospital facility has been sold or conveyed.

(c) "Public body" does not include (i) a meeting solely among the professional staff of a public body, or (ii) the medical staff of a public hospital or the medical staff of a hospital that has been sold or conveyed pursuant to G.S. 131E-8.

(d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

(e) Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public

inspection would frustrate the purpose of a closed session. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 4; 1991, c. 694, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 570, s. 1; 1995, c. 509, s. 135.2(p); 1997-290, s. 1; 1997-456, s. 27; 2011-326, s. 8.)

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. - It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

(1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

(2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.

(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

(7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.

(9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. - A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b); 2014-79, s. 9(a).)

Hillsborough, NC – Code of Ordinances

The Charter of the Town of Hillsborough

ARTICLE II. - MAYOR AND BOARD OF COMMISSIONERS

Sec. 2.1. - Governing Body.

The Mayor and Board of Commissioners shall be the governing body of the Town.

Sec. 2.2. - Board of Commissioners; Composition; Terms of Office.

The Board of Commissioners, hereinafter referred to at times as the Board, shall be composed of five members elected for staggered terms of four years, or until their successors are elected and qualified.

Sec. 2.3. - Mayor; Term of Office; Duties.

The Mayor shall be elected for a term of two years, or until his or her successor is elected and qualified; shall be the official head of the Town government and preside at meetings of the Board; shall have the right to vote only when there is an equal division on any question or matter before the Board; and shall exercise the powers and duties conferred by law or as directed by the Board.

Sec. 2.4. - Mayor Pro Tempore.

The Board shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability, in accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the other members of the Board.

Sec. 2.5. - Meetings of the Board.

In accordance with general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

Sec. 2.6. - Ordinances and Resolutions.

The adoption, amendment, repeal, pleading and proving of Town ordinances and resolutions shall be in accordance with general law. All ordinances and resolutions shall be effective upon adoption unless otherwise provided.

Sec. 2.[7]. - Voting Requirements: Quorum.

Official actions of the Board and all votes shall be taken in accordance with applicable voting and quorum provisions of general law, particularly G.S. 160A-74 and G.S. 160A-75.

Sec. 2.8. - Compensation: Qualifications for Office; Vacancies.

The compensation and qualifications of the Mayor and Commissioners shall be in accordance with general law. Vacancies that occur in any elective office of the Town shall be filled by appointment of the Board as provided in G.S. 160A-63.

Chapter 2 – Procedures of a Governing Body

ARTICLE I. - MEETINGS

FOOTNOTE(S):

--- (1) ---

State Law reference— Regular and special meetings, G.S. 160A-71.

Sec. 2-1. - Regular meetings.

The Board shall hold a regular meeting on the second Monday of each month unless that day is a legal holiday, in which case the meeting shall be held on the next day. Regular meetings shall be held at the town hall and shall begin at 7:30 p.m.

(Prior Code, § 2-1)

Sec. 2-2. - Special meetings.

- (a) A special meeting is any nonemergency meeting of the Board held at any time other than that specified in section 2-1
- (b) The mayor, the mayor pro tem, or any two members of the Board may at any time call a special meeting by signing a written statement stating the time and place of the meeting and the subjects to be considered.
- (c) Notice of the meeting shall be given to Board members as provided in this subsection. Preferably 48 hours, but not less than six hours before the meeting:
 - (1) Written notice shall be delivered personally to each Board member; or
 - (2) If notice cannot be personally delivered, notice may be left at the Board member's usual place of dwelling. In this event, the town clerk shall make every reasonable effort to contact the Board member by telephone.
- (d) Special meetings may also be held when all Board members are present and consent hereto or when those not present have signed a written waiver of notice, provided that the notice to the media required by subsection (e) of this section is given.
- (e) The town clerk shall give notice of a special meeting to the public and the media, at least 48 hours before the meeting, by:
 - (1) Posting a notice of the time and place of the meeting on the town's principal bulletin board;
 - (2) Mailing or delivering notice of the meeting to each of the media who has requested it in accordance with the Open Meetings Law.

- (3) Mailing or delivering notice of the meeting to any person who has filed with the town clerk a written request for it in accordance with the Open Meetings Law.
- (f) Only those items of business specified in the notice may be transacted at a special meeting unless all members are present or have signed a written waiver of notice.

(Prior Code, § 2-2)

Sec. 2-3. - Emergency meetings.

- (a) An emergency meeting is a meeting of the Board called because of generally unexpected circumstances that require immediate consideration.
- (b) The mayor, the mayor pro tem, or any two members of the Board may at any time call an emergency meeting by signing a written statement stating the time and place of the meeting and the subjects to be considered.
- (c) Notice of the meeting shall be given to Board members in the same manner as notice of special meetings.
- (d) Emergency meetings may also be held when all Board members are present and consent thereto or when those not present have signed a written waiver of notice, provided that the notice to the media required by subsection (e) of this section is given.
- (e) The town clerk shall give notice of an emergency meeting to each of the media who has requested it in accordance with the Open Meetings Law. This notice shall be given either by telephone or by the same method used to notify Board members and shall be given immediately after the notice has been given to those members.
- (f) Only business connected with the emergency may be transacted at an emergency meeting.

(Prior Code, § 2-3)

Sec. 2-4. - Continued or recessed meetings.

- (a) By majority vote the Board of Commissioners may continue or recess at any regular, special or emergency meeting to any place and time specified in the motion to continue or recess the meeting.
- (b) No further notice need be given of any continued or recessed session of a meeting set in accordance with subsection (a) of this section.

(Prior Code, § 2-4)

Sec. 2-5. - Reserved.

ARTICLE II. - GENERAL MEETING PROCEDURES

FOOTNOTE(S):

--- (2) ---

State Law reference— Council may adopt own rules of procedure, G.S. 160A-71(c).

Sec. 2-6. - Agenda.

- (a) Preparation. The town clerk shall prepare the agenda for the meeting.
- (b) Requests to be placed on agenda. A request to have any item of business placed on the agenda must be received by the clerk in sufficient time so that the agenda may be printed and distributed in accordance with subsection (e) of this section, and to this end the town clerk may establish an appropriate deadline to receive such requests.

- (c) Requests to address Board. Any individual or group that wishes to address the Board shall make a written request to be on the agenda to the town clerk. However, the Board shall determine at the meeting whether the individual or group will be heard by the Board.
- (d) Contents. The agenda shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce. Whenever possible, a copy of all proposed ordinances shall be attached to the agenda and distributed simultaneously.
- (e) Inspection and distribution. Copies of the agenda and attachments shall be available for public inspection as soon as they are completed. To the extent feasible, the town clerk shall mail or deliver copies of the agenda and attachments to the Board members in sufficient time to ensure that they are received prior to the meeting. Additional copies of the agenda may be available for the press and interested members of the public.
- (f) Additions. The Board may, by consensus or majority vote of the Board membership, add any item of business that is not on the agenda. Unless otherwise specified by the Board, additions to the agenda shall be taken up at the conclusion of all other regular business.

(Prior Code, § 2-6)

Sec. 2-7. - Order of business.

- (a) Items of business shall be taken up at a meeting in the order that they appear on the agenda, except as provided in section 2-6(f).
- (b) Items shall be placed on the agenda according to the order of business established by the Board of Commissioners upon recommendation of the town manager.
- (c) In establishing the order of business, the Board may authorize broad categories of business to be included as agenda items such as "members of the public wishing to be heard," or "matters by the town clerk" or "matters by the town attorney."
- (d) Items may be considered out of order by consent of all members present or by majority vote upon a motion.

(Prior Code, § 2-7)

Sec. 2-8. - Presiding officer.

- (a) The mayor shall preside at meetings of the board of Commissioners. A member must be recognized by the mayor in order to address the Board.
- (b) As presiding officer, the mayor shall have the following powers, in addition to those conferred elsewhere in this chapter:
 - (1) To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
 - (2) To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule upon objections from other members on this ground;
 - (3) To entertain and answer questions of parliamentary law or procedure, subject to being overruled by a two-thirds vote of the membership of the Board;
 - (4) To call a brief recess at any time.

(Prior Code, § 2-8)

State Law reference— Mayor presides over council, G.S. 160A-69.

Sec. 2-9. - Quorum.

A majority of the actual membership of the Board plus the mayor, excluding vacant seats, shall constitute a quorum. A quorum is necessary for the Board to take any official action. A member who has

withdrawn from a meeting without being excused by majority vote of the remaining members shall be counted as present for purposes of determining whether a quorum is present.

(Prior Code, § 2-9)

State Law reference— Similar provision, G.S. 160A-74.

Sec. 2-10. - Taking official action.

- (a) The Board shall proceed by motion. A motion, when duly seconded, brings the matter before the Board for its consideration.
- (b) A motion may be withdrawn by the introducer at any time prior to a vote if the member who seconded the motion concurs. Subject to section 2-13 and other provisions of law, official action of the Board shall be by majority vote.

(Prior Code, § 2-10)

Sec. 2-11. - Debate.

Once a motion has been stated and seconded, the mayor shall open the floor to debate upon it. The Mayor shall preside over the debate according to the following general principles:

- (1) The member who makes the motion is entitled to speak first;
- (2) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (3) To the extent possible, the debate shall alternate between proponents and opponents of the measure.

(Prior Code, § 2-11)

Sec. 2-12. - Voting.

- (a) Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused from voting in accordance with subsection (b) of this section, or has been allowed to withdraw from the meeting in accordance with subsection (c) of this section.
- (b) A member may be excused from voting on a particular issue by majority vote of the remaining members present if the matter at issue involves that member's own financial interest or official conduct.
- (c) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting.
- (d) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is only in order if made by or at the initiative of the member directly affected.
- (e) A roll call vote shall be taken upon the request of any member.
- (f) When this chapter specifies that action shall be taken by majority vote or fails to specify the vote required, that shall be interpreted to mean a vote of the majority of those present and not excused from voting. When a two-thirds vote is required, that shall be interpreted to mean a vote of two-thirds of those present and not excused from voting. When a vote of a certain percentage of the Board membership is required, that shall be interpreted to mean the specified percentage of all seats on the Board, excluding vacant seats.

(Prior Code, § 2-12)

State Law reference— Voting, G.S. 160A-75.

Sec. 2-13. - Adoption of ordinances.

- (a) An affirmative vote equal to a majority of all the members of the Board of Commissioners not excused from voting on the question in issue (including the mayor's vote in case of an equal division) shall be required to adopt an ordinance or take any action having the effect of an ordinance.
- (b) Subject to the provisions of G.S. ch. 159, Local Government Finance, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of the Board membership. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the Board. If a proposed ordinance or other action having the effect of an ordinance fails to receive the number of votes required for passage on the date it is introduced, it shall be carried over until the next meeting unless it is rejected by a majority of the Board membership. Franchise ordinances and amendments shall not be finally adopted until passed at two regular meetings of the Board.

(Prior Code, § 2-13)

Sec. 2-14. - Closed sessions.

The Board of Commissioners may hold closed sessions in accordance with the Open Meetings Law (G.S. ch. 143, art. 33C), and other provisions of law. The Board shall commence a closed session by a majority vote to do so and shall terminate a closed session in the same manner. Minutes shall be kept of closed sessions but may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

(Prior Code, § 2-14)

Sec. 2-15. - Public hearings.

- (a) Except as otherwise provided in this Code, public hearings required by law or deemed advisable by the Board shall be scheduled pursuant to a motion adopted by a majority vote setting forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time of each speaker and other matters regarding the conduct of the hearing.
- (b) At the appointed time, the mayor shall call the hearing to order and then preside over it. Upon the expiration of the allotted time, or when there are no individuals who wish to speak who have not done so, the mayor shall declare the hearing ended.
- (c) A quorum of the Board shall be required at all public hearings required by state law.

(Prior Code, § 2-15)

State Law reference— Conduct of public hearings, G.S. 160A-81.

Sec. 2-16. - Minutes.

Minutes shall be kept of all meetings of the Board.

(Prior Code, § 2-16)

State Law reference— Full and accurate minutes to be kept, G.S. 160A-72.

Secs. 2-17—2-20. - Reserved.

Public Records Law

North Carolina General Statutes

Chapter 132.

Public Records.

§ 132-1. "Public records" defined.

(a) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

(b) The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. As used herein, "minimal cost" shall mean the actual cost of reproducing the public record or public information. (1935, c. 265, s. 1; 1975, c. 787, s. 1; 1995, c. 388, s. 1.)

§ 160A-168. Privacy of employee personnel records.

(a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by a city are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the city with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or nonselection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the city.

(b) The following information with respect to each city employee is a matter of public record:

(1) Name.

(2) Age.

(3) Date of original employment or appointment to the service.

(4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the city has the written contract or a record of the oral contract in its possession.

(5) Current position.

(6) Title.

(7) Current salary.

(8) Date and amount of each increase or decrease in salary with that municipality.

(9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality.

(10) Date and general description of the reasons for each promotion with that municipality.

(11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.

(12) The office to which the employee is currently assigned.

(b1) For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity.

(b2) The city council shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the city council may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

(c) All information contained in a city employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

(1) The employee or his duly authorized agent may examine all portions of his personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.

(2) A licensed physician designated in writing by the employee may examine the employee's medical record.

(3) A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.

(4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.

(5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution (of the employee), or for the purpose of assisting in an investigation of (the employee's) tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

(6) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

(7) The city manager, with concurrence of the council, or, in cities not having a manager, the council may inform any person of the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action. Before releasing the information, the manager or council shall determine in writing that the release is essential to maintaining public confidence in the administration of city services or to maintaining the level and quality of city services. This written determination shall be retained in the office of the manager or the city clerk, and is a record available for public inspection and shall become part of the employee's personnel file.

(c1) Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor to any other person:

(1) Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the city's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.

(2) Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.

(3) Information that might identify an undercover law enforcement officer or a law enforcement informer.

(4) Notes, preliminary drafts and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

(c2) The city council may permit access, subject to limitations they may impose, to selected personnel files by a professional representative of a training, research, or academic institution if that person certifies that he will not release information identifying the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes. This certification shall be retained by the city as long as each personnel file examined is retained.

(c3) Notwithstanding any provision of this section to the contrary, the Retirement Systems Division of the Department of State Treasurer may disclose the name and mailing address of former local governmental employees to domiciled, nonprofit organizations representing 2,000 or more active or retired State government, local government, or public school employees.

(d) The city council of a city that maintains personnel files containing information other than the information mentioned in subsection (b) of this section shall establish procedures whereby an employee who objects to material in his file on grounds that it is inaccurate or misleading may seek to have the material removed from the file or may place in the file a statement relating to the material.

(e) A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount not more than five hundred dollars (\$500.00).

(f) Any person, not specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00).

(1975, c. 701, s. 2; 1981, c. 926, ss. 1-4; 1993, c. 539, ss. 1084, 1085; 1994, Ex. Sess., c. 24, s. 14(c); 2007-508, s. 7; 2008-194, s. 11(e); 2010-169, s. 18(f).)

Ordinances, Resolutions, and Policies

North Carolina General Statutes

§ 160A-174. General ordinance-making power.

(a) A city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances.

(b) A city ordinance shall be consistent with the Constitution and laws of North Carolina and of the United States. An ordinance is not consistent with State or federal law when:

(1) The ordinance infringes a liberty guaranteed to the people by the State or federal Constitution;

(2) The ordinance makes unlawful an act, omission or condition which is expressly made lawful by State or federal law;

(3) The ordinance makes lawful an act, omission, or condition which is expressly made unlawful by State or federal law;

- (4) The ordinance purports to regulate a subject that cities are expressly forbidden to regulate by State or federal law;
- (5) The ordinance purports to regulate a field for which a State or federal statute clearly shows a legislative intent to provide a complete and integrated regulatory scheme to the exclusion of local regulation;
- (6) The elements of an offense defined by a city ordinance are identical to the elements of an offense defined by State or federal law.

The fact that a State or federal law, standing alone, makes a given act, omission, or condition unlawful shall not preclude city ordinances requiring a higher standard of conduct or condition

ORDINANCES AND RESOLUTIONS

Excerpt from Chapter 15 of the NCAMC's M.O.R.E. Manual

I. Ordinances.

Ordinances set forth standards that govern throughout a community. In short, they are the written laws of a municipality, which have been duly adopted by its governing body and can be amended or repealed only through adoption of a new ordinance. Other situations that require adoption of an ordinance include adopting or amending the city budget, creating or amending zoning classifications, and establishing regulations applicable to persons or property which impose a penalty by fine, imprisonment or forfeiture. Situations which require adoption of an ordinance may be specified by municipal charter, state or federal law.

II. Resolutions.

Resolutions are formal documents adopted by the governing board whenever a formal written record of action taken is required or when certain findings must be made in connection with a particular action. A resolution essentially is an administrative tool.

Guidance on appropriate use of resolutions may be found in state and federal law or in local charters. It should be noted that that any approved motion of the governing body can be deemed a resolution, regardless if a formal written resolution is used to record the action. The focus of this chapter, however, is on the preparation and adoption of a formal resolution.

III. Adoption.

Both ordinances and resolutions are adopted by majority vote of the governing board.

NCGS § 160A-75 states that no ordinance or action having the effect of any ordinance may be finally adopted on the date of its introduction except by a vote equal to or greater than two-thirds of the governing body's voting membership, excluding vacant seats. If the affirmative vote is less than two-thirds, the ordinance must be presented for voting a second time, generally at the next regular meeting of the government board, at which time a simple majority vote is sufficient to adopt the ordinance. Additionally, certain types of ordinances require additional procedures prior to adoption by the governing board. NCGS § 160A-364 requires that ordinances adopting, amending or repealing zoning ordinances be discussed at a public hearing prior to presentation for adoption.

IV. Handling and recordkeeping.

Ordinances and resolutions must be recorded in the official minutes of the meeting at which they are adopted, either by printing them verbatim within the text of the minutes or through incorporation by reference. NCGS § 160A-78 requires that a true copy of all ordinances adopted by a governing board be maintained in an ordinance book separate and apart from the governing board's minute book. The ordinance book, which is maintained for public inspection in the office of the clerk, must be indexed and

should utilize a standard numbering system. If the jurisdiction has issued a code of ordinances, then the ordinances must be maintained in the ordinance book until codified. Since there is usually a time lapse between adoption of an ordinance and its codification, a system for distribution of newly adopted ordinances will ensure that subscribers to a municipal code remain up-to-date. Resolutions may be maintained in the same manner as ordinances, in a resolution book that is indexed and numbered.

Voting

§ 160A-75. Voting.

No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue, including the mayor's vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council. (1917, c. 136, subch. 13, s. 1; C.S., s. 2821; 1971, c. 698, s. 1; 1973, c. 426, s. 16; 1979, 2nd Sess., c. 1247, s. 7; 1983, c. 696;

§ 160A-76. Franchises; technical ordinances.

(a) No ordinance making a grant, renewal, extension, or amendment of any franchise shall be finally adopted until it has been passed at two regular meetings of the council, and no such grant, renewal, extension, or amendment shall be made otherwise than by ordinance.

(b) Any published technical code or any standards or regulations promulgated by any public agency may be adopted in an ordinance by reference subject to G.S. 143-138(e). A technical code or set of standards or regulations adopted by reference in a city ordinance shall have the force of law within the city. Official copies of all technical codes, standards, and regulations adopted by reference shall be maintained for public inspection in the office of the city clerk. (1917, c. 136, subch. 13; C.S., s. 2823; 1963, c. 790; 1971, c. 698, s. 1; 1973, c. 426, s. 17.)