

AN ORDINANCE TO PERMIT TOWN COUNCIL TO FIX THE TIME AND PLACE FOR ITS REGULAR MEETINGS BY ACTION TAKEN AT ANY MEETING OF THE COUNCIL, TO CLARIFY THE PROCEDURES FOR THE ELECTION OF MAYOR AND MAYOR PRO TEMPORE, AND TO CLARIFY THE PROCEDURE FOR APPOINTMENTS TO TOWN BOARDS

Ordinance 23-13

WHEREAS, under N.C. General Statutes Section 160A-71(A), the Town Council has the authority to fix the time and place for its regular meetings; and

WHEREAS, the Town Council desires to set its meeting schedule by action taken at any meeting of the Council; and

WHEREAS, the Town Council desires to use the procedure for appointments pursuant to Section 31.30 of the Duck Code of Ordinances to govern the election of Mayor and Mayor Pro Tempore; and

WHEREAS, the Town Council desires to clarify the procedure for the Council's appointments to Town Boards.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Duck Town Council of the Town of Duck, North Carolina, as follows:

1. Subsection (A) of Section 31.06 of the Duck Code of Ordinances is hereby amended and restated in its entirety as follows:

§ 31.06 REGULAR AND SPECIAL MEETINGS

(A) Regular Meetings

The Council shall fix the time and place for its regular meetings in accordance with the requirements of the North Carolina General Statutes. The regular meeting schedule shall be published in accordance with the North Carolina General Statutes. The regular meeting schedule may be amended from time to time by the Council by action taken at any meeting of the Council.

2. Section 31.11 of the Duck Code of Ordinances is hereby amended and restated in its entirety as follows:

§ 31.11 ELECTION OF MAYOR

The Mayor shall be elected from among the members of the Town Council at the first meeting of the Town Council following a general election for a term of 2 years and shall not be removed from the Office of Mayor unless he or she becomes disqualified to serve as a Council member. The election of the Mayor shall be governed by the procedure set forth in Section 31.30

of the Duck Code of Ordinances.

3. Section 31.13 of the Duck Code of Ordinances is hereby amended and restated in its entirety as follows (with additions and deletions indicated):

§ 31.13 MAYOR PRO TEMPORE.

(A) At the organizational meeting, the Council shall elect from among its members a Mayor Pro Tempore to serve at the Council's pleasure for a term of 2 years. The election of the Mayor Pro Tempore shall be governed by the procedure set forth in Section 31.30 of the Duck Code of Ordinances.

(B) A Council member who serves as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Council member for all purposes, including the determination whether a quorum is present.

(C) In the Mayor's absence, the Council may confer on the Mayor Pro Tempore any of the Mayor's powers and duties.

(D) If the Mayor should become physically or mentally unable to perform the duties of his or her office, the Council may by unanimous vote declare that he or she is incapacitated and confer any of his or her duties on the Mayor Pro Tempore.

(E) When a Mayor declares that he or she is no longer incapacitated and a majority of the Council concurs, the Mayor shall resume the exercise of his or her powers and duties.

(F) If both the Mayor and Mayor Pro Tempore are absent from a meeting, the Council shall elect from among its members a temporary chair to preside at the meeting.

4. Section 31.30 of the Duck Code of Ordinances is hereby amended and restated in its entirety as follows:

§ 31.30 APPOINTMENTS.

The Council shall use the following procedure to make appointments to fill vacancies (including the expiration of the term) in the Council itself or in other boards and public offices over which the Council has power of appointment and to elect the Mayor and Mayor Pro Tempore.

(A) *Advertising the vacancy.* Prior to the Council meeting when the Council is scheduled to make appointment(s) to fill one or more vacancies, the Town staff shall advertise the vacancy or vacancies and provide applications to all persons interested in being appointed to fill a vacancy. All completed applications received will be provided to the Council prior to the meeting when the Council is scheduled to fill the vacancy or vacancies.

(B) *Voting; appointments.*

(1) The presiding officer shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees.

(2) When the debate ends, the presiding officer shall call the roll of the members, and each member shall vote.

(3) The votes shall not be tallied until each member has voted. The nominee who receives the highest number of votes shall be appointed. It is not necessary for the nominee with the highest number of votes to receive a majority of the votes cast.

(C) *More than 1 appointee.* If more than 1 vacancy is to be filled in the Council itself or in other boards and public offices over which the Council has power of appointment, there shall be a separate nomination and voting process for each position to be appointed. Each Council member may nominate a maximum of one person for each position to be appointed.

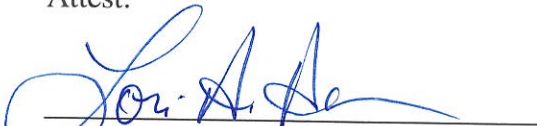
5. It is the intention of the Duck Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Duck and to accomplish such intention, sections of this Ordinance may be renumbered, captions added, sections retitled, section references corrected and repealed provisions deleted.

Adopted and made effective on this the 4th day of October, 2023.



Don Kingston, Mayor

Attest:


Lori Ackerman, Town Clerk

Date adopted: October 4, 2023

Motion to adopt by: Mayor Pro Tempore Monica Thibodeau

Vote: 5 AYES 0 NAYS