A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF APEX TO ALLOW THE TOWN COUNCIL TO APPOINT THE TOWN CLERK; AND TO ALLOW THE MAYOR TO VOTE ON THE APPOINTMENTS OF THE TOWN MANAGER, TOWN ATTORNEY, AND TOWN CLERK.

The General Assembly of North Carolina enacts:

SECTION 1. Article IV of the Charter of the Town of Apex, being Chapter 356 of the 1985 Session Laws, as amended by Chapter 63 of the 1987 Session Laws and Town Ordinance No. 05-1115-11 (11-15-05), reads as rewritten:

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.
Sec. 4.1. Form of Government. The Town shall operate under the Council-Manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.
Sec. 4.2. Town Manager. The Board of Commissioners-Town Council shall appoint a Town Manager who shall be the administrative head of Town government, and who shall be responsible to the Board-Town Council for the proper administration of the affairs of the Town. The Town Manager shall hold office at the pleasure of the Board-Town Council and Mayor and shall receive such compensation as the Board-Town Council and Mayor shall determine. Notwithstanding Sec. 2.2 of this Charter, the Mayor may vote on an appointment under this section, provided the Mayor has not also voted to break a tie on that appointment. In exercising his duties as chief administrator, the Town Manager shall:
(1) Appoint and suspend or remove all Town officers and employees not elected by the people, except the Town Attorney and those whose appointment or removal is otherwise provided for by law, in accordance with such general personnel rules, regulations, policies or ordinances as the Board-Town Council may adopt.
(2) Report to the Board of Commissioners-Town Council each appointment or removal of an officer or employee at the next Board-Town Council meeting following such appointment or removal.
(3) Direct and supervise the administration of all departments, offices and agencies of the Town, subject to the general direction and control of the Board-Town Council, except as otherwise provided by law.
(4) Attend all meetings of the Board-Town Council, unless excused therefrom, and recommend any measures that he the Town Manager deems expedient.
(5) Prepare and submit the annual budget and capital program to the Board-Town Council.
(6) Keep the Board of Commissioners–Town Council fully advised as to the financial condition of the Town and annually submit to the Board of Commissioners–Town Council, and make available to the public, a complete report of the finances and administrative activities of the Town at the end of the fiscal year.

(7) Make any other reports that the Board of Commissioners–Town Council may require concerning the operation of the Town departments, offices and agencies subject to the Town Manager's direction and control.

(8) Perform any other duties that may be required or authorized by the Board of Commissioners–Town Council, or as required by law.

"Sec. 4.3. Town Attorney. The Board of Commissioners–Town Council and Mayor shall appoint a Town Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. Upon request by the Board of Commissioners–Town Council, it shall be the duty of the Town Attorney to defend suits against the Town; to advise the Mayor, Board of Commissioners–Town Council, and other Town officials with respect to the affairs of the Town; to draft legal documents relating to the affairs of the Town; to inspect and pass upon agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend meetings of the Board of Commissioners–Town Council, and to perform other duties as the Board of Commissioners–Town Council may direct. Notwithstanding Sec. 2.2 of this Charter, the Mayor may vote on an appointment under this section, provided the Mayor has not also voted to break a tie on that appointment.

"Sec. 4.4. Town Clerk. The Town Manager–Council and Mayor shall appoint a Town Clerk to keep a journal of the proceedings of the Board of Commissioners–Town Council, to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Town Manager–Council directs. Notwithstanding Sec. 2.2 of this Charter, the Mayor may vote on an appointment under this section, provided the Mayor has not also voted to break a tie on that appointment.

"Sec. 4.9. Mayor Participation in Appointments. In any instance where the Mayor may vote on an appointment under this Article, the Mayor may also participate in a vote that is solely regarding the compensation, discipline, or termination of that appointee, provided the Mayor has not also voted to break a tie on that matter."

SECTION 2. This act is effective when it becomes law and applies to actions of the Town Council and Mayor on or after that date.