

Chapter 2

Form of Government, Officers, Ordinance Adoption and Procedure

Article I, Town Council

- Sec. 2.1 Form of Government
- 2.2 Composition of Council
- 2.3 Inauguration and Tenure
- 2.4 Compensation for Mayor and Council Members
- 2.5 Mayor Pro Tem
- 2.6 Staggered Terms
- 2.10 Legislative and Administrative Powers, Determination of Policy
- 2.11 Police Power of Council
- 2.12 Reading of Ordinances
- 2.13 Authorization of Certain Expenses and Payments
- 2.14 Establishment of Offices
- 2.15 Appointment of Chairman to Supervise Departments
- 2.16 Selection, Term, Status, Removal of Town Officers
- 2.17 Audit

Article II, Council Meetings and Procedures

- 2.40 Meeting of Council, Time, Type
- 2.42 Minutes of Council
- 2.43 Executive Session
- 2.44 Duty to Attend Meetings, Penalty for Failure
- 2.50 Quorum, Lack Thereof
- 2.51 Presiding Officer, Duties Generally
- 2.52 Roberts' Rules of Order
- 2.53 Agenda and Proceedings of Council
- 2.54 Addressing the Council
- 2.55 Recognition of Speaker
- 2.56 How Often Members May Speak
- 2.57 Voting, Members Required to Vote
- 2.58 Explanation of Vote, May Be Recorded
- 2.59 Conflict of Interest of Municipal Officials or Employees
- 2.60 Committee Reports
- 2.61 Necessity for Written Petitions, Complaints, Motions, Etc.
- 2.62 Reference or Petitions and Memorials to Committee (reserved)
- 2.63 Appointment, Powers, Duties, Term, Etc., of Standing Committees (reserved)
- 2.64 Provision for Committees in Addition to Standing Committees (reserved)
- 2.65 Approval or Disapproval of Committee Proposals and Recommendations (reserved)

Article III, Standing Committees

- 2.70 Enumeration, Powers, Duties (reserved)
- 2.71 Appointment and Terms (reserved)
- 2.72 References to Standing Committees (reserved)
- 2.73 Procedure of Standing Committee (reserved)
- 2.74 Investigation of and Report upon Matters Referred
- 2.75 Examination of Ordinances, Suggestion of Revision
- 2.76 Reports of Violations, Etc.
- 2.77 Attendance at Committee Meetings

Article IV, Ordinances and Resolutions

- 2.80 Ordinances for the Benefit of the Town
- 2.81 Ordinances -- Style
- 2.82 Ordinances, Entered in Book; Certificate of Publication
- 2.83 Ordinances, Notation of Amending and Repealing
- 2.84 Ordinances, Readings, Notices Not Required for Introduction
- 2.85 Ordinances to be signed
- 2.86 Ordinances, Effective Date of Ordinances
- 2.87 Tampering with Ordinance Books, Minute Books
- 2.88 Violation of Ordinances

Article V, The Mayor

- 2.111 Power to Vote
- 2.112 Authority Relative to Town Officers Generally
- 2.120 Definition of Emergency
- 2.121 Power to Issue Public Proclamation, Curfew
- 2.122 Power of Mayor under Proclamation
- 2.123 Call of Council
- 2.124 End of the State of Emergency
- 2.125 Conditions during State of Emergency

Article VI, Officers and Employees of the Town

- 2.140 Selection, Terms, Status or Removal of Town Officials
- 2.141 Vacancies in Office
- 2.142 Salaries
- 2.143 Enforcement of Ordinances, Laws, Etc.
- 2.144 Right of Entry
- 2.145 Term of Officers and Removal
- 2.146 Resisting or Interfering with Officers or Employees
- 2.147 Departments of Town

Article VII, Town Clerk-Treasurer

- 2.150 Appointment
- 2.151 Bond
- 2.152 Subject to Orders, Directions, Etc.
- 2.153 General Duties
- 2.154 Custody and Deposit of Funds
- 2.155 Signing and Attesting Ordinances and Other Documents
- 2.156 Keeping the Ordinance Book
- 2.157 Removal of Papers or Documents from Clerk's Custody
- 2.158 Reports to Council
- 2.159 Monthly Financial Statements
- 2.160 Annual Audit
- 2.161 Devolution of Authority

Article VIII, Town Attorney

- 2.170 Appointment
- 2.171 Qualifications
- 2.172 Term
- 2.173 General Duties
- 2.174 Duty to Attend Council Meetings
- 2.175 Duty to Advise and Assist Mayor, Council and Town Officers
- 2.176 Prosecution and Defense of Actions; Appearance in Legal Proceedings
- 2.177 Legal Correspondence
- 2.178 Salary

Article IX, Clerk of the Waterworks and Sewerage System

- 2.190 Selection of Clerk-Treasurer
- 2.191 Bond
- 2.192 Subject to Orders, Directions, Etc. of Town Council
- 2.193 General Duties
- 2.194 Custody and Deposit of Funds

Article I, Town Council

Sec. 2.1 Form of Government

The Council form of municipal government, with a mayor and four (4) council members serving for four year terms as provided in South Carolina Code 1976, Sections 5-11-10 – 5-11-40 is hereby adopted for the Town as provided by state law.

Sec. 2.2 Composition of Council.

The governing body of the Town shall consist of a mayor and four (4) council members and be known as the council.

Sec. 2.3. Inauguration and Tenure.

The mayor and council members shall take office at the next council meeting after the election. They shall remain in office until their successors are elected and have been qualified.

Sec. 2.4. Compensation for Mayor and Council Members.

The mayor and council members shall be paid an annual salary, in accordance with the amounts provided for in the annual budget ordinance. The salaries of the mayor and council members shall be set from time to time in accordance with South Carolina Code 1976, 5-7-170.

Sec. 2.5. Mayor Pro Tem

At the first regular meeting of each year after a general election of the council, the council shall elect a member of the council as mayor pro tem who shall perform all duties pertaining to that office in the absence of the mayor due to sickness, incapacity, or other cause. If a vacancy occurs in the office of mayor, the mayor pro tem shall serve as mayor until a successor is elected.

Sec. 2.6. Staggered Terms

Mayor and Council shall serve staggered terms, with the Mayor and two Council members being elected and two Council members elected the following election. Both Mayor and Council members serve four-year terms.

Sec. 2.10. Legislative and Administrative Powers, Determination of Policy.

All legislative and administrative powers of the Town and the determination of all matters of policy shall be vested in the council. Each council member, including the mayor, shall have one vote.

Sec. 2.11. Police Power of Council.

The town council shall have, in addition to the powers conferred by its charter, the power and authority to make, ordain and establish all such rules, bylaws, regulations and ordinances not inconsistent with the laws of South Carolina or the United States Constitution, respecting the roads, streets, markets, police, health and order of the Town or respecting any subject as shall appear to the council necessary and proper for the safety, welfare and convenience of the Town or for preserving the health, peace, order and good government within the Town. The town council may fix fines and penalties for the violations thereof, not exceeding five hundred (\$500) dollars or thirty (30) days imprisonment, or both fine and imprisonment.

Sec. 2.12. Reading of Ordinances.

All actions of council required by state law to be by ordinance shall be in the form of ordinances. Every ordinance shall be introduced in writing and in the form required for final adoption. An ordinance shall receive two readings before adoption with the section reading being no less than six days after the first reading.

Sec. 2.13. Authorization of Certain Expenses and Payments.

There shall be no expenditure of the funds of the Town without proper authorization of the person so certified by this ordinance, which shall be as follows:

- (a) All permanent improvements or capital investments shall be authorized only by vote of the council.
- (b) All current bills and operating expenses shall be approved by the mayor, with advice and consent of department involved, prior to payment by the clerk-treasurer. Each payment must be within the budget appropriation of the department and payment over that budgetary limit must be approved by council.
- (c) All special subscriptions and donations by the Town must be approved by council.

Sec. 2.14. Establishment of Offices.

The council shall have the power to establish such departments, offices or agencies as it sees fit and prescribe the functions of such departments, offices or agencies.

Sec. 2.15. Appointment of Administrator to Supervise Departments.

The first order of business after the council has organized following general elections for mayor and/or council members shall be for council to appoint the Administrator for the purpose of administering all rules, regulations, ordinances or directives which have been passed and adopted by the council and which affect or direct the duties or work of such department.

Sec. 2.16. Selection, Term, Status, Removal of Town Officers.

The clerk-treasurer, town administrator, town attorney, and all other subordinate officers of the Town not otherwise provided for by ordinance or resolution shall be appointed by the town council at the first regular meeting thereof following the general election for mayor and council member and their inauguration. Those appointed shall be appointed to hold office at the pleasure of the council.

Sec. 2.17. Audit

The council shall provide for an independent audit of all financial records of the Town and any agency funded in whole or part by municipal funds. Said audit shall be performed in compliance with Section 5-7-240 and other pertinent provisions of the South Carolina Code.

Article II, Meetings and Procedures

Sec. 2.40. Meetings of Council, Time, Type.

The regular meeting of the council shall be held in town hall on the second Monday of each month. The time shall be 7:30 p.m. unless another hour is specified. Special meetings may be held at any time on the call of the mayor at his discretion. The mayor shall call a special meeting whenever he/she is asked to do so by at least two (2) of the members of council. All meetings shall be open to the public and shall be conducted in accordance with the South Carolina Code of Laws, 1976, and especially the Section known as the Freedom of Information Act.

Sec. 2.42. Minutes of Council.

Minutes of all meetings of council shall be kept by the town clerk and shall be recorded in a book designated as "The Minutes of Town Council of Swansea".

Sec. 2.43. Executive Session.

Executive sessions may be held in accordance with the applicable provisions of the South Carolina Code of Laws.

Sec. 2.44. Duty to Attend Meetings, Penalty for Failure.

It shall be the duty of the council members to attend the regular meetings of the council and when notified, to attend special meetings called by the mayor.

Sec. 2.50. Quorum, Lack Thereof.

No action may be taken by council at a regular or special meeting unless a quorum is in attendance. A quorum shall be present for any regular or special meeting when three council members or two council members and the mayor are present. If a quorum fails to appear within fifteen (15) minutes after the hour appointed for a meeting, no member shall be required to attend longer.

Sec. 2.51. Presiding Officer; Duties Generally.

The mayor shall be the presiding officer of council. In the absence of the mayor, the mayor pro tem shall preside and in the absence of the mayor and mayor pro tem, council shall proceed to elect, if a quorum is found to be present, by a majority vote of those present, a presiding officer of the meeting to preside until the mayor or mayor pro tem appears. The presiding officer shall preserve decorum and shall decide all questions of order subject to appeal to the Council.

Sec. 2.52. Roberts' Rules of Order.

Except as may be otherwise provided, the proceedings of the town council shall be controlled by Roberts' Rules of Order.

Sec. 2.53. Agenda and Proceedings of Council.

(a) Matters to be considered at regular meeting or special meeting, except a called emergency special meeting of council shall be placed on a written agenda by the close of business two days preceding the meeting and shall conform to the order of business of council.

(b) The clerk-treasurer shall post the agenda in a public place at least 24 hours preceding the meeting.

(c) Matters not on the agenda may be considered upon request of a member unless two members object.

(d) Immediately at the hour appointed for the meeting of the council, the presiding officer shall preside and if a quorum is present, business shall be conducted within the following order.

- (1) Call to order by the presiding officer
- (2) Approval of Agenda
- (3) Reading of minutes of prior meeting, their consideration and approval
- (4) Appearance by citizens or others.
- (5) Reports from municipal officers
- (6) Reports of standing Committees;
- (7) Unfinished business to include Section readings of Ordinances.
- (8) New business to include introduction and first reading of Ordinances and Resolutions; matters presented by Council members;
- (9) Adjournment.

(e) If it is desired to transact business out of its order, it shall be necessary to suspend the rules by a vote of a majority of members present.

(f) Any citizen of the Town shall be entitled to appear before council at any regular meeting to present any matters pertaining to the Town. Citizens or other persons desiring to make a presentation must notify the clerk-treasurer in writing prior to the agenda deadline. The notice shall state the subject on which the citizen or other person wishes to address the Council with particulars, if available. Other matters may be considered only by majority vote of council.

Sec. 2.54. Addressing the Council.

Every member of the council, when about to speak, shall address the mayor as "Mister or Madam Mayor and in speaking shall avoid all disrespect to the council and all personalities, and shall confine himself/herself to the subject under consideration.

Sec. 2.55. Recognition of Speaker.

The mayor or chair, when addressed by a member who rises in order, shall name the member, using no title but that of "Mr.", "Ms" or "Miss.". The member, who shall rise first in order, shall be first heard. If several members rise at about the same time, the mayor or chair shall decide who shall speak first.

Sec. 2.56. How Often Members May Speak.

No member shall speak more than twice on the same question without leave of council, except to explain his/her vote.

Sec. 2.57. Voting; Members Required to Vote.

The "favor" votes and the "oppose" votes on any question shall always be recorded. When the question has been stated, the roll shall be called by the clerk-treasurer, and after the first response has been made to the call, all debate shall cease and no member shall say more than "favor" or "oppose". During the roll call, no member shall leave the council chamber and every member present shall, when his/her name is called, give his vote unless excused by a majority of members present. Should the voting end in a tie, the question shall be decided in the negative.

Sec. 2.58. Explanation of Vote; May Be Recorded.

After the voting is completed, any member of the council may, if he/she desires, have time in which to explain his/her vote. He/she may be allowed not more than five (5) minutes in which to so do. A member may, if he/she desires, have his/her reasons for voting for or against any measure recorded in the minutes of the meeting.

Sec. 2.59. Conflict of Interest of Municipal Officials or Employees.

No member of council shall vote on any question of a private nature, in the event of which he is personally or pecuniarily interested. Disqualifications from voting due to conflicts of interest shall be governed by appropriate provisions of state law including Sections 5-7-130, 8-13-700, 9-13-735, and other provisions of the South Carolina Code.

Sec. 2.60. Committee Reports. - Reserved

Sec. 2.61. Necessity for Written Petitions, Complaints, Motions, Etc.

No petition, complaint or communication to the council shall be introduced, unless the same is in writing. All motions, resolutions or propositions shall be reduced to writing, if required by any member of the council.

Sec. 2.62. Reference or Petitions and Memorials to Committee. - Reserved

Sec. 2.63. Appointment, Powers, Duties, Term, Etc. of Standing Committees. - Reserved

Sec. 2.64. Provision for Committees in Addition to Standing Committees. - Reserved

Sec. 2.65. Approval or Disapproval of Committee Proposals and Recommendations. - Reserved

Article III, Standing Committees -Reserved

Sec. 2.70. Enumeration; Powers and Duties. - Reserved

Sec. 2.71. Appointment and Term. - Reserved

Sec. 2.72. Reference to Standing Committees. - Reserved

2.73. Procedure of Standing Committees - Reserved

Sec. 2.74. Investigation of and Report upon Matters Referred.

It shall be the duty of Council to examine carefully and to report upon all petitions and other matters. It is the duty of each member to aid and assist in the proper investigation into, and report upon, all matters before it.

Sec. 2.75. Examination of Ordinances; Suggestion of Revision.

It shall be the duty of each of the Mayor and all Councilpersons to examine carefully the ordinances of the Town and to endeavor or to ascertain, from time to time, whether the ordinances are being properly regarded and enforced and whether they are sufficient and satisfactory, and to suggest such changes as it may deem proper.

Sec. 2.76. Reports of Violations, Etc.

Each council member shall report from time to time to the council such violation of ordinances as it may ascertain and any other matters connected with particular subjects, which may seem to it to be the best interest of the Town.

Sec. 2.77. Attendance at Committee Meetings. - Reserved

Article IV, Ordinances and Resolutions

Sec. 2.80. Ordinances for the Benefit of the Town.

It shall be the duty of the council to pass, from time to time, such ordinances as in its judgment shall best promote the interest of the citizens and property holders of the Town, and to diligently and actively see to the enforcement of these and all ordinances of the Town.

Sec. 2.81. Ordinances -- Style.

The style of all ordinances shall be: "Be it ordered and ordained by the Town Council of The Town of Swansea, South Carolina, in council assembled and by the authority thereof".

Sec. 2.82. Ordinances, Entered in Book; Certificate of Publication.

The clerk-treasurer shall enter the original ordinances into the minute book of the Town as passed by the council. A copy shall be inserted into "The Code of Laws of the Town of Swansea, South Carolina", and shall be indexed. Due proof of the publication of all ordinances requiring publication, by the certificate of the publisher or printer, shall be procured by the clerk treasurer, and attached to the minutes of the meeting at which the final reading and ratification was made. The date of passage shall be appended and additions shall be attested by the clerk.

Sec. 2.83. Ordinances, Notation of Amending and Repealing.

The clerk-treasurer shall write on the indices pages of each chapter of this Code of Laws, if any part therein has been amended or repealed, as the case may be, the words "amended" or "repealed" with a reference to the section number where the amending or repealing ordinance can be found. When such amending or repealing shall change the subject matter, such notation should be made in the index at the appropriate place or places.

Sec. 2.84. Ordinances, Readings, Notice Not Required For Introduction.

All laws passed by the council shall be in form of ordinances and shall receive two (2) readings. The first reading shall specify the title and set forth the contents only, unless the entire reading is called for. No notice is needed for the introduction of an ordinance. The second reading of a bill shall be by section by section, unless council unanimously agrees to dispense therewith. After the reading is completed, all amendments and privileged motions are allowable and when disposed of, the question shall be put: "Shall this bill pass, the title be changed to ordinance, and ordered to ratification?" Upon an affirmative vote, the bill shall be engrossed into the Code of Laws, signed and the town seal affixed. If the decision is in the negative, the bill shall be disposed of and rejected.

Sec. 2.85. Ordinances to be signed.

Every ordinance passed by the town council shall be signed by the mayor and one council member, and shall be attested by the Clerk before it shall be in force.

Sec. 2.86. Ordinances, Effective Date of Ordinances.

All ordinances shall take effect upon their adoption unless an ordinance shall otherwise specify the time when it shall go into effect.

Sec. 2.87. Tampering with Ordinance Books, Minute Books.

It shall be unlawful for any person, without authority from the mayor and council, to make any alterations, erasures, changes or interlineation in the ordinance books or minute books of the Town.

Sec. 2.88 Violation of Ordinances

Any person or entity violating any provision of the Code of Ordinances of the Town of Swansea, or any Code adopted pursuant thereto, within the corporate limits of the Town of Swansea may be issued a Uniform Ordinance Summons. Issuance of the Uniform Ordinance Summons shall vest jurisdiction in the Municipal Court to hear and dispose of the charge for which the Uniform Ordinance Summons was issued and served. The Uniform Ordinance Summons may be issued by any Town law enforcement officer or any other Town employee designated by the Council and Code Enforcement Officers. The bond amount for violations shall be prescribed by the Chief Municipal Court Judge. Town law enforcement or Code enforcement officers are prohibited from accepting bonds. Bonds are to be posted in the manner prescribed in the Uniform Ordinance Summons.

Violations of this Ordinance will be a misdemeanor with fines up to five hundred (\$500) dollars, or imprisonment for up to 30 days.

Article V, The Mayor

Sec. 2.111. Power to Vote

The mayor shall have a vote as a member of the council on all matters presented to the council, his/her name being called last.

Sec. 2.112. Authority Relative to Town Officers Generally.

The mayor shall have full power to give such orders and directions to the administrative officers of the Town as may be necessary to carry out the provisions of this Code and other ordinances and regulations of the Town, and require the administrative officers to attend them for that purpose, at any time whenever the public business may, in his/her opinion, render such attendance necessary. The Mayor's authority is, in some cases, superceded by the powers and responsibilities of the Town Administrator as outlined in Chapter 26 of the Code of Ordinances of the Town of Swansea.

Sec. 2.120. Definition of Emergency.

A state of emergency shall be deemed to exist whenever, during times of great public crises, disaster, rioting, civil disturbance, catastrophe or for any other reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare, or property.

Sec. 2.121. Power to Issue Public Proclamation, Curfew.

In the event of a state of emergency threatening or endangering the lives, safety, health and welfare of the people within the Town or threatening damage to or destruction of property, the mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and in order more effectively to protect the lives, safety and property of the Town, to define and impose a curfew applicable to all persons within the jurisdiction of the Town.

Sec. 2.122. Power of Mayor under Proclamation.

The mayor is hereby authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the jurisdiction of the Town and to specified hours of the day or night; and to exempt from the curfew policemen, fireman, doctors, nurses, and such others as may be essential to the preservation of public order and immediately necessary to serve the needs of the people within the Town.

Sec. 2.123. Call of Council.

The town council shall be called into session within forty-eight (48) hours after a state of emergency has been proclaimed by the mayor.

Sec. 2.124. End of the State of Emergency.

The mayor shall proclaim the end of such state of emergency and curfew as soon as circumstances warrant or when directed to do so by the town council.

Sec. 2.125. Conditions during State of Emergency.

During any state of emergency when a curfew has been defined and imposed, it shall be unlawful for anyone subject to curfew:

- (1) To be or travel upon any public street, alley, or roadway or upon public property unless such is necessary to obtain medical assistance.
- (2) To possess, off one's own premises, buy, sell, give away or otherwise transfer or dispose of any explosive, firearms, ammunition, or dangerous weapon of any kind.
- (3) To sell beer, wines or intoxicating beverages of any kind; or to possess or consume the same off one's own premises.
- (4) To sell gasoline or any other similar petroleum products or any other combustible or inflammable substances except as expressly authorized by the provisions of the curfew imposed.

Article VI, Officers and Employees of the Town

Sec. 2.140. Selection, Terms, Status or Removal of Town Officials.

The clerk-treasurer, the administrator and the town attorney and all other subordinate officers of the Town not otherwise provided for by ordinance or regulation shall be appointed by the council at the first regular meeting thereof following the general election for the mayor or council members and their inauguration. Those appointed shall hold office at the pleasure of council.

Sec. 2.141. Vacancies in Office.

Whenever any officer of the Town appointed by the council shall be removed from office, die, resign, or be incapacitated as to be unable to perform the duties incident to that office, a new appointment by the council to fill the vacancy during the unexpired term for which the office had been conferred on the person so removed, dead, resigned, or incapacitated shall be held after notification to each member of the council. The mayor shall make interim appointments until such appointment can be made by the council.

Sec. 2.142. Salaries.

Except as otherwise provided, the salary of each officer of the Town appointed by the council shall be fixed, designated, and regulated by resolution of the council from time to time, as the council shall deem fit.

Sec. 2.143. Enforcement of Ordinances, Laws, Etc.

All officers and employees of the Town shall enforce obedience to such statutes, provisions of this code, or any ordinances, resolutions, or rules and regulations, or orders issued thereunder, as may relate to their regular duties, and any other statutes or provisions of this code or ordinances, resolutions, rules, regulations or orders with whose enforcement they are properly chargeable, by any measures provided therein, by the proper report of any violation thereof, and by institution such proceedings as may be necessary to such enforcement.

Sec. 2.144. Right of Entry.

Whenever any officer or employee of the Town is required or authorized by statute, the provision of this code, or any ordinance or resolution, or rules and regulations or orders issued thereunder, in order to carry out his/her duties thereunder, to enter any premises or vehicles, such officer or employee shall have the right to so enter at any reasonable time in pursuance of such duties.

Sec. 2.145. Term of Officers and Removal.

Each officer or employee of the Town appointed by the council, unless otherwise provided, shall be appointed to serve at the pleasure of council and shall be subject to removal from office or employment for any cause that the council may deem sufficient; and each appointment to any office or position is made and accepted with special reference to this section.

Sec. 2.146. Resisting or Interfering with Officers or Employees.

It shall be unlawful for any person to resist or interfere with any member of the sheriff (contract police) department, any member of the consolidated county fire department, or any other municipal or contract county officer or employee or and officer or employee of the Lexington County Joint Water and Sewer Commission in the discharge of his/her duties. In addition, no one shall interfere with the duties of the contract sanitation company retained by the town in the normal completion of their duties.

Sec. 2.147. Departments of Town.

The following departments of the Town are hereby established: (1) administrative/finance; (2) police (currently contract with Lexington County Sheriff Department); (3) building (currently contracted with Lexington County Planning and Development); and (4) waterworks and sewerage system.

Article VII, Town Clerk-Treasurer

Sec. 2.150. Appointment.

A clerk-treasurer shall be appointed by the council pursuant to Sec. 2.140, who shall hold office until his/her successor is duly appointed and qualified unless removed from office by the council.

Sec. 2.151. Bond.

Prior to entering upon the performance of the duties of the office, the clerk-treasurer shall enter into an approved bond in such sum as prescribed by council, conditioned for the faithful and honest performance of the duties of such office.

Sec. 2.152. Subject to Orders, Directions, Etc.

The Town clerk-treasurer shall be subject to the orders and directions of the town council.

Sec. 2.153. General Duties.

The Town clerk-treasurer shall be the general accountant for the Town and shall keep a complete set of books and accounts, which shall comprise all of the financial transactions of the Town through the various departments under their respective appropriations. The clerk-treasurer shall attend all meetings of the town council, shall take minutes thereof, and record the same in a suitable book, and keep an index book in connection therewith, in which shall be indexed the subject matter of important matters in the proceedings of council, with a reference to the page of the record book wherein such matters appear, and shall lay before the council all communications and other papers addressed to it through him/her. The clerk-treasurer shall have the proceedings of council promptly published in a local newspaper when so required by council, and shall have the charge and be responsible for the preservation of all papers, records, and documents of every description pertaining to the Town, and shall so arrange and file all such papers in packages or cases as will facilitate access to them, arranging and filing same according to their subject matter, and numbering the packages or cases numerically.

The clerk-treasurer shall also keep an index book, in which shall be entered alphabetically the names or subject matter of such paper and documents, and the number of the package or case in which the same are to be found; shall issue all notices, personal and general, which the interest, convenience, laws and order of the Town require in the administration of its government; and he/she shall communicate to the council all information he/she may acquire which may contribute to the efficiency of the government and the welfare of the people.

Sec. 2.154. Custody and Deposit of Funds.

The clerk-treasurer shall, subject to the direction of the council, be the custodian of all funds of the Town, and shall receive all fines, taxes, license fees, assessments and other money due and payable to the Town, unless hereinafter otherwise provided, and shall take official custody and

responsibility for the same. The clerk-treasurer shall promptly deposit all funds of the Town so received to the account of the Town in such depositories as the council shall direct, to the joint order of the mayor and the clerk-treasurer or the mayor pro temp in the absence of the mayor or the clerk-treasurer. All employees supervised by the clerk-treasurer shall be bonded.

Sec. 2.155. Signing and Attesting Ordinances and Other Documents.

The clerk-treasurer along with the mayor or mayor pro temp in the absence of the mayor shall sign and the clerk-treasurer shall attest all ordinances, deeds, contracts or other documents which require the official signature of the Town.

Sec. 2.156. Keeping the Ordinance Book.

The clerk-treasurer shall keep an ordinance book as a permanent record and shall enter therein a copy of all ordinances enacted by the Town.

Sec. 2.157. Removal of Papers or Documents from Clerk's Custody.

No original paper or document of the Town shall be taken out of the custody of the clerk-treasurer except upon written order of the mayor.

Sec. 2.158. Reports to Council.

At the end of each fiscal year, or as often as the council shall direct, the clerk-treasurer shall submit a report to the council showing all taxes, penalties, assessments, license fees, and other monies paid to the Town, and shall also report to the council on any delinquencies reflected by the records, together with any recommendations for action thereon.

Sec. 2.159. Monthly Financial Statements.

The clerk-treasurer shall provide a monthly financial statement to town council and shall make a copy of said statement available for review at town hall.

Sec. 2.160. Annual Audit.

The clerk-treasurer shall provide for an annual audit of all books and accounts of the Town including the waterworks and sewerage system by a certified public accountant and shall furnish to the council and the citizens of the Town a copy of the annual financial statement.

Sec. 2.161. Devolution of Authority.

In the case of the death or incapacity of the mayor or mayor pro tempore to discharge their duties, the remaining council members shall elect one of their own and he/she is hereby authorized and empowered to sign all drafts, checks and joint orders necessary and proper to carry out the business of Town government.

Article VIII, Town Attorney

Sec. 2.170. Appointment.

A town attorney shall be appointed by the council pursuant to the provisions of Sec. 2-140, who shall hold office until his/her successor is appointed and qualified unless removed from office by the council. The council in addition to or in lieu of the appointment of a town attorney may utilize the services of such qualified attorneys of good reputable standing as it may deem appropriate for legal assistance.

Sec. 2.171. Qualifications.

The town attorney shall possess the qualifications of and be a practicing attorney duly licensed in the state.

Sec. 2.172. Term.

Pursuant to Sec. 2-140, the town attorney shall serve at the pleasure of the town council for such term as council shall desire.

Sec. 2.173. General Duties.

The town attorney shall discharge all duties prescribed by the laws of the state and the ordinances of the Town. The town attorney shall exercise diligence that the town council and the officers of the Town government do not fall into errors of law in the management of the corporate affairs of the Town.

Sec. 2.174. Duty to Attend Council Meetings.

The town attorney shall attend all meetings of the town council when requested.

Sec. 2.175. Duty to Advise and Assist Mayor, Council and Town Officers.

When requested, the town attorney shall give advice, direction and assistance to the mayor, town council, standing committees, special committees and all officers duly charged with the administration of the Town government.

Sec. 2.176. Prosecution and Defense of Actions; Appearance in Legal Proceedings.

The town attorney shall prosecute and defend all civil actions in which the Town may be a party and shall prosecute on behalf of the Town, all criminal cases in the municipal court whenever requested to do so by the council. He/she shall appear on behalf of the Town and its officers in all legal proceedings to which any have an interest as an official of the Town.

Sec. 2.177. Legal Correspondence.

The town attorney shall conduct all legal correspondence of the Town on all legal subjects.

Sec. 2.178. Salary.

The salary of the town attorney shall be provided by resolution of town council in the annual appropriation ordinance, provided, that for extraordinary services he/she may be paid additional compensation as authorized by council.

Article IX, Clerk of the Waterworks and Sewerage System

Sec. 2.190. Selection of Clerk of the Waterworks and Sewerage System

The clerk-treasurer for the Town shall be clerk for the waterworks and sewerage system unless council determines the work load is such that another individual shall be appointed as clerk of the Waterworks and Sewerage System in which case he/she shall be a deputy clerk-treasurer.

Sec. 2.191. Bond.

The clerk-treasurer or the clerk of the waterworks and sewerage system, prior to entering upon the performance of the duties of his/her office, shall enter into an approved bond in such sum as prescribed by council, conditioned for the faithful and honest performance of the duties of such office.

Sec. 2.192. Subject to Orders, Directions, Etc. of Town Council.

The clerk of the waterworks and sewerage system shall be subject to the orders and directions of the clerk-treasurer and the council.

Sect. 2.193. General Duties.

The deputy clerk-treasurer under the direction and supervision of the clerk-treasurer shall be the general accountant for the waterworks and sewerage system. He/she shall keep a complete set of books and accounts, which shall comprise all of the financial transactions of the department through the various subdivisions therein. He/she shall keep such files, records, books, papers, and indexes as are sufficient to determine requested information within a reasonable time.

The clerk-treasurer shall furnish such records as, from time to time, the council shall require and shall make a monthly financial report to the council and shall post same upon the Town's bulletin board as a public notice.

Sec. 2.194. Custody and Deposit of Funds.

The clerk-treasurer shall, subject to the direction of the council, be the custodian of all funds of the waterworks and sewerage system. The clerk-treasurer shall receive all collections, fees, and other monies and assessments due and payable to the department, and shall take official custody and responsibility for the same. The clerk-treasurer shall promptly deposit all funds of the department to the account of the Town, but in an account separate from the general fund, in such depositaries as the council shall direct.