OFFICE OF THE CITY COUNCIL
CITY OF DURHAM

DURHAM CITY COUNCIL
PROCEDURES COMMITTEE
THURSDAY, JUNE 21, 2018
2nd Floor Committee Room – 101 City Hall Plaza
1:00PM

AGENDA

1. Welcome and Introductions (5 minutes)

2. Process for an individual council member to place an item on a work session agenda (10 minutes)

   (see attachment A)

3. Travel policy revisions (10 minutes)

   (see attachments B and C)

4. Council internship policy (10 minutes)

5. Revising the City Council Procedures document where advisable to replace "citizen" with "resident" (10 minutes)

   (see attachment D)

6. Other business (5 minutes)

7. Public Comment (10 minutes)

ATTACHMENT A

Sections 2.5 and 3.5(3) of the City Council Procedures document

2.4.5 The fifth order of business shall be consideration of matters removed from the Consent Agenda.

2.4.6 The next order of business shall be consideration of matters which do not appear on the agenda. Consideration of such matters is subject to the provisions of Section 2.5.

2.5 Matters Not on Agenda; Ceremonial matters.

The Council shall not consider any matter that is not on the agenda, regardless of how the matter is presented, unless the person who seeks to introduce the matter for consideration shall state generally the subject of the matter and the Council shall approve adding such matter to its agenda by an affirmative vote of two-thirds of all the members present and voting at such regular meeting. An approving vote is not necessary, however, to present matters of a ceremonial or informational nature provided that the presentation is made only after consultation with and at the sole discretion of the Mayor. Matters of a ceremonial or informational nature include, but are not limited to (i) the reading and presentation of proclamations, (ii) courtesy recognition of persons in the audience, and (iii) announcements of any kind. The reading and presentation of resolutions honoring persons and organizations or commemorating events may not be added to the agenda at the Council meeting without the two-thirds affirmative vote otherwise required by this Section.

2.6 Rules.

2.6.1 Public Meeting.

"Meetings of the City Council shall be public, when required by G.S. Chapter 143, Article 33B, and any citizen shall have access to the records or minutes thereof at all reasonable times, unless otherwise provided by law."
(Charter § 11(3), first sentence)

2.6.2 Quorum.

"A majority of the members of the City Council shall constitute a quorum for the transaction of business."(Charter § 11(3), second sentence). A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

2.6.3 Voting.

2.6.3(a) "The ayes and nays shall be taken upon the passage of all ordinances, resolutions or actions having the effect of an ordinance or resolution and entered by the clerk upon the journal of the proceedings of the Council. The City Council may provide for the taking of aye and nay votes by means of electronic or mechanical tabulation visible to persons attending the meeting. Every ordinance, resolution or

3.4.1(d) Citizens shall not speak for more than three minutes on any matter when addressing the City Council at the work session. In the interest of time or to apportion time among speakers, the Mayor may reduce the time allocated to each person and cumulatively limit the time of all proponents or opponents to a matter. The Council may, however, by majority vote of those present, extend or limit the time of any speaker.

3.4.2 Disrespectful Comments.

The Mayor may rule "out of order" any comments which personally criticize or are disrespectful to citizens, City staff or other members of Council.

3.4.3 Debate Limited.

The first time a Council member has the floor on a matter, the member's comments shall be limited to not more than five minutes. After all other members have had an opportunity to speak on the matter, the member may have the floor for an additional period of not more than three minutes. These time limits shall not include time spent by staff or others in responding to comments made by the member who has the floor. The City Clerk shall be the timekeeper for determining how much time has elapsed. The Council, by majority vote of those members present, may extend these time limits.

3.5 Order of Business.

Unless otherwise ordered, the order of business for regular meetings of the work session shall be as follows:

(1) Consideration of priority matters presented by the City Manager, City Attorney or City Clerk.

(2) Review of the printed agenda. The Mayor shall call the number of each agenda item and may, for clarity or upon request of a Council member, read the caption and/or the agenda item in its entirety.

(3) Consideration of requests to add matters to the agenda. Except as provided below for ceremonial resolutions, the Council shall not consider any matter that is not on the agenda, regardless of how the matter is presented, unless the person who seeks to introduce the matter for consideration shall state generally the subject of the matter and the Council shall approve adding such matter to its agenda by an affirmative vote of four members of the Council. An approving vote is not required for a Council member to add to the consent agenda a resolution honoring persons and organizations or commemorating events. No more than two such resolutions may be submitted by a Council member during a fiscal year (July 1—June 30) and no more than sixteen such resolutions may be submitted cumulatively by Council members during a fiscal year without complying with the provisions of Section 2.5. A resolution is considered to have been submitted by all Council members sponsoring or co-sponsoring the

resolution. If a Council member discloses that the member is sponsoring a resolution at the request of another member, then the resolution is considered to have been submitted by both members. If the resolution is added as a matter of right under this paragraph, then it shall be considered as a routine item and placed on the Consent Agenda pursuant to Section 2.3.1(a).

(4) Settling the agenda in the manner prescribed by the following Section 3.6.

(5) Consideration of closed session items, if any.

3.6 Settling the Agenda.

3.6.1 At the work session, the City Council shall settle the agenda for its upcoming regular meeting by majority vote of those present and voting. In doing so, the City Council may take any of the following actions:

(1) Approve the agenda in the form presented to it by the City Manager;

(2) Subject to the limitations of Section 3.6.1(3)(a) regarding public hearings, make corrections or revisions in the agenda. The corrected or revised agenda item shall be shown on the Supplemental Agenda for information purposes, but a separate vote at the regular meeting is not required to effect the correction or revision;

(3) Remove an item from the agenda and refer it to a future work session or to the City Manager, provided however, this action may not be taken with respect to:

(a) any public hearing,
(b) any item initiated by a Council member to compel consideration of a matter under Section 2.7.10(i), and
(c) a motion to revive consideration pursuant to Section 2.7.10(l);

(4) Add an item to the agenda. The item shall appear as an addition in the Supplemental Agenda and is not subject to the provisions of Section 2.5. Proclamations commemorating events, events honoring persons, organizations or other entities and similar matters must be added to the agenda at the work session or otherwise be subject to the provisions of Section 2.5.

3.6.2 Before the agenda is settled, the City Manager shall announce to the work session any matter of which the City Manager is aware which does not appear on the agenda or in any revision or addition thereto, but, in the judgment of the City Manager, is likely to be added to the Supplemental Agenda by the City Manager. The City Manager need not make such an announcement if, in his or her judgment, such an announcement would prejudice the best interests of the City.

3.6.3 The failure of the City Council at the work session to settle the agenda shall constitute approval of the form of the agenda presented by the City Manager.

ATTACHMENT B

"Mayor and Council Members Travel and Miscellaneous Expense Policy"

(from City Council Procedures document)

Attachment B

MAYOR AND COUNCIL MEMBERS

TRAVEL AND MISCELLANEOUS EXPENSE POLICY

I. PURPOSE

The purpose of this policy is to establish procedures relating to travel and reimbursement of expenses of the Mayor and Council Members.

II. TRAVEL POLICY

The intent of the travel and expense allowance for City Council Members is to pay for expenses incurred for travel and publications, or attendance at events, which are designed to enhance the skills or knowledge of the elected official related to his or her office.

Expense allowances may not be used to:
attend events sponsored by local organizations (except those which qualify under the preceding sentence),
pay for memberships to local organizations or
donations to charitable organizations.

If a Council Member is in reasonable doubt about whether an anticipated expenditure is or is not appropriate under this policy, then the Council Member should present the matter to the City Council for resolution in a timely manner.

The City Council shall, upon adoption of the Annual Budget, set an expense allowance for each Council Member. The expense allowance shall cover travel expenses, workshops, subscriptions and memberships.

Upon agreement of both parties involved, and approval by the City Council, Council Members may transfer funds among themselves as long as expenditures from this fund do not exceed the budgeted amount.

Accommodations for individual(s) who have disabilities shall be included in making travel arrangements. Contact with the individual(s) to insure what accommodations are needed should be made before travel arrangements are finalized.

III. TRAVEL ADVANCE

Travel shall be described as one of two types:

OVERNIGHT TRAVEL - Any travel that requires an overnight stay.

NON-OVERNIGHT TRAVEL - Any travel that does not require an overnight stay and is outside the City and County of Durham.

A traveler may be given an advance for overnight travel only and it may include allowances for meals, air travel or personal auto mileage, lodging and registration fees.

The pink copy of the Travel Authorization Request form must be received in the Department of Finance, before a travel advance check is prepared.

All travel advance payments must be requested on Request for Check forms and must be received in the Department of Finance a minimum of five (5) work days prior to departure on overnight travel. Manual checks for travel advances will be issued after the approval of the City's Finance Officer.

A travel advance will not be issued for overnight travel for less than $25.00.

After the completion of the trip, all related expenses must be reported and accounted for in accordance with City policies within seven (7) calendar days to the Accounting Services Division of the Finance Department. Until such time as this is done, the traveler may not take additional trips to be funded by the City.

Neither a travel advance nor prepayment of travel expenses/expenditures will be made to a traveler who has not reconciled and settled prior travel.

IV. OVERNIGHT TRAVEL EXPENSES

1. Transportation

Reimbursement will only be paid for travel by the most direct route.

A traveler may elect to use his/her own air or ground vehicle in lieu of coach class air transportation or train. Reimbursement for use of a personal vehicle will be at the standard mileage rate allowed by the Internal Revenue Service per land mile but at no time shall the total reimbursement exceed the coach class air transportation fare available at the time the travel arrangements could reasonably have been made.

For air travel, it is the responsibility of the traveler to acquire the best rate available.

For travel by rail or bus, the amount reimbursed will not exceed the fare available at the time travel arrangements could reasonably have been made.

WHEN A TRAVELER CAN SHOW A NET SAVINGS ON AN AIRLINE TICKET BY EXTENDING TRAVEL OVER A SATURDAY, ETC., IT IS RECOMMENDED THAT THE TRAVELER TAKE ADVANTAGE OF THIS SAVINGS. THE ADDITIONAL HOTEL ROOM AND MEALS

COSTS SHOULD BE TAKEN INTO CONSIDERATION WHEN COMPUTING THIS NET SAVINGS.

The last copy of any commercial transportation ticket used by the Council member must be attached to the traveler's Travel Authorization form for documentation and/or reimbursement.
Bus, taxi, or subway fares in the destination city are additional allowable expenses. Receipts are not required for bus, taxi, or subway fares.

2. Lodging

The actual cost of lodging will be reimbursed when supported by a bill with itemized daily charges identified. This paid bill must be attached to the traveler's Travel Authorization form for reimbursement. If a traveler's spouse or other travel companion accompanies the traveler and is occupying a room with the employee, only the single room rate will be reimbursed. It is the responsibility of the traveler for documenting that the single and double rates were the same rate.

3. Meals

Expenses for meals will be reimbursed without receipts at the per diem rate established by the Internal Revenue Service.

Prorating of the per diem rate.
a) The full per diem rate is used for a complete 24-hour day of travel (i.e., 12:01 a.m. to 12 midnight) or for any day for which travel constitutes more than 75% of the 24 hour period.

b) Any travel that constitutes less than 75% of the 24-hour day is considered a partial day. For example, departure after 6:00 am or return before 6:00 pm would be considered a partial day. A partial day will be subject to 75% reimbursement. Time and date of departure and return must be completed on the Travel Authorization Form. Per diem allowance will be determined by Department of Finance personnel.

Travelers may elect to obtain paid meal receipts while on either overnight, or non-overnight travel. A maximum of $45.00 per day will be reimbursed for meals when substantiated by a meal(s) receipt(s)

For Sister Cities trips, the $45.00 per day maximum reimbursement for meals shall be adjusted by factors such as the applicable currency exchange rate or cost of living to reflect the equivalent cost of meals in the Sister City being visited. The City Administration shall perform this calculation prior to the Sister City trip.

Additional costs of workshop/seminar banquets/dinners will be reimbursed when substantiated by the workshop/seminar agenda as meals covered by paid receipts.

During the period of travel, a mixture of STANDARD DAILY MEAL ALLOWANCE and meals covered by paid receipts may be submitted, but during any twenty-four hour period only one method may be used.

Tips on meals will be reimbursed up to 15% of the amounts shown on paid meal receipts.

4. Registration Fees

Fees may be paid in advance by the City. A Request for Check form, with an attached registration form and workshop/seminar agenda, is required for making an advance payment. Paid receipts are required when registration fees are not paid in advance by the City.

5. Miscellaneous fees, charges and expenses

Parking fees will be reimbursed when documented with paid receipts.

A daily telephone charge made by a hotel/motel will be reimbursed when this charge is shown daily on a paid receipt. Only calls made on city business will be reimbursed. Personal calls will not be reimbursed.

Baggage handling tips/charges will be allowed on the traveler's beginning and ending travel dates only. An amount up to $3.00 per travel beginning and ending day will be reimbursed to the traveler for tips of this nature. Only with receipt meals this is included in per diem reimbursement.

Maid service tips will not be reimbursed.
Receipts for alcoholic beverages will not be reimbursed.

6. The City will not pay or reimburse a traveler for the transportation, lodging, meal or other expenses of a traveler's family or other traveling companion(s) except as required to accommodate the needs of a disabled traveler.

V. NON OVERNIGHT TRAVEL EXPENSES

1. Transportation

Reimbursement for use of personal vehicle will be at the standard mileage rate allowed by the Internal Revenue Service.

Reimbursement for commercial transportation will be paid at a rate equal to the lowest fare available when travel arrangements could reasonably have been made.

A paid receipt is required for the reimbursement of parking or other transportation fees

2. Meals

The City of Durham Travel Authorization Form is not required prior to this travel, but must be used if reimbursement for meals is requested. Meals are limited to $25 per day. The rate includes tax and tip. Receipts are required.

Reimbursement for non-overnight meals is taxable income and will be included in year end wage and tax statements.
THE COST OF WORKSHOP/SEMINAR BANQUETS/DINNERS WILL BE REIMBURSED WHEN SUBSTANTIATED BY THE WORKSHOP/SEMINAR AGENDA.

3. Registration Fees

Fees may be paid in advance by the City. A Request for Check form, with an attached registration form and workshop/seminar agenda, is required for making an advance payment. Paid receipts are required when registration fees are not paid in advance by the City.

REIMBURSEMENTS AND ALLOWANCES MADE OUTSIDE OF THE INTERNAL REVENUE SERVICE'S REGULATIONS WILL BE INCLUDED AS INCOME ON THE EMPLOYEE'S W-2 ANNUAL INCOME TAX FORM.

ADOPTED BY COUNCIL ON SEPTEMBER 16, 1991
REVISED BY COUNCIL ON SEPTEMBER 18, 1995
REVISED BY COUNCIL ON NOVEMBER 2, 1998
REVISED BY COUNCIL ON MARCH 20, 2000
REVISED BY COUNCIL ON MAY 7, 2001
REVISED BY COUNCIL ON DECEMBER 3, 2001

ATTACHMENT C

FP-201-3

“Travel Authorization and Expense Reimbursement”

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Subject:	Travel Authorization and Expense Reimbursement	Revision:	3
Effective Date:	5/17/2018	Policy Number:	FP-201
Department:	Finance	Rescinded Date:	[Policy Rescinded Date]
Revised Date:	[Policy Revised Date]		

City Manager

To All City Employees:

I. Purpose

This document establishes a policy relating to travel, training, and business expenses, and establishes procedures for reimbursement of eligible City employees for such expenses. These rules and guidelines are designed to safeguard funds and to establish a uniform policy in conformance with Internal Revenue Service (IRS) regulations for reimbursement of expenses related to travel, training, and business expenses incurred by City employees when conducting business on the behalf of the City.

II. Policy

General Policy - The City recognizes that in some instances it is necessary and/or convenient for authorized City personnel to incur expenses for travel, training, and other business purposes in connection with the official business of the City. It is the general policy of the City to pay directly or to reimburse eligible employees (or others) for reasonable expenses incurred when traveling for official City business, including meetings, conferences, trainings, workshops, and seminars.

Approval - Before any travel may take place, the employee must first obtain approval from the appropriate Department Head, City Manager, or Designee, through means determined by each Department.

Payment - The City's Procurement Card should be used to pay for lodging, transportation, registration, and other travel/training related expenses unless specified in the procedural section of this policy. Receipts are required for all reimbursement requests.

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Responsibilities - The Finance Department is responsible for the management and oversight of this policy. Department Heads are responsible for managing, approving, and reviewing budget appropriations to support travel activities for their Departments.

III. Definitions

Commute – The distance from an employee's home to work and from work to home

Incidentals - Other travel expenses such as laundry, tips for doormen and porters, etc.

Local Travel – Travel within a 50 mile radius of an employee's regular place of employment

Non-Overnight Travel – Travel that does not include an overnight stay

Overnight Travel – Travel that includes an overnight stay

Per Diem – An amount established by the IRS to cover the cost of meals and incidental expenses related to travel

Procurement Card – Credit card issued by the City to employees for travel and training expenses or to administration personnel that pay travel and training expenses for other City employees within their Department

Senior Management Group – Those employees for which a $250 contribution towards out-of-state travel may apply (see attachment A for a list of the Senior Management Group)

Transportation Costs – The actual costs that a reasonable and prudent person would incur when traveling on official business, when using a direct route, at the lowest rate available

IV. Procedure

For Non-Overnight Travel, reimbursable expenses include the following:

1. **Meals** - Maximum of $15 per day; use of procurement card is encouraged for this expense.

2. **Mileage** - Personal vehicle mileage for the total miles travelled will be reimbursed at the per mile rate determined by the IRS and posted on the City of Durham Intranet (CODI) site on the Finance Department Page. If the travel

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initiates or ends at an employee's home, commuting miles must be deducted (e.g., 20 total miles minus 10 commuting miles to and from work equals 10 reimbursable miles). See Policy FP-203 for additional guidance.

Mileage Limitations - If the distance to the destination is shorter than the normal commute, there will be no mileage reimbursement for Local Travel; and, if a City employee receives an automobile allowance and/or has a take home vehicle, there will be no mileage reimbursement for Local Travel. Use of procurement card is **NOT** acceptable for this expense.

3. **Parking** - Actual expense; use of the procurement card is encouraged for this expense.

4. **Other Business Related Expenses** (Registration, Admission Fees, etc.) - Actual expense; use of procurement card is encouraged for this expense.

For Overnight Travel, reimbursable expenses include the following:

1. **Meals and Incidentals** - The City will reimburse meals using the Per Diem Method, and the Per Diem rates are those defined for each travel destination by the IRS High-Low Substantiation Method posted on the CODI site on the Finance Department page. Use of procurement card is **NOT** acceptable for this expense. The City will deduct 25% of the applicable High or Low Per Diem amount to account for the following:

a. One-fourth (25%) of the per diem will be deducted for each meal provided as part of the event.

b. One-fourth (25%) of the per diem will be deducted for each day during which the employee is travelling to and from an event.

c. If all meals are provided, employee is still entitled to 25% of the per diem to cover incidental expenses associated with the trip.

d. The City will not reimburse the actual meal for those attending events unless this method of reimbursement is approved in advance by the City Manager/Designee; this should occur only in rare circumstances.

2. **Lodging** – The City will reimburse the actual lodging rate for minimum nights required to attend a function. If lodging includes non-employees, the employee

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must document the increased cost to the City and/or note there was no additional cost. Use of the procurement card is encouraged for this expense.

Limitations – The City will not reimburse an employee for the transportation, lodging, meals, or other expenses of the traveler's family or companion(s). Cost for the employees staying beyond the time required to attend the event must be paid by the employee.

3. **Transportation** – The general policy is that the City employees must use the most direct route and the lowest rate available. Use of procurement card is encouraged for this expense.

a. An employee may elect to use his/her own personal vehicle in lieu of the lowest price air transportation pursuant to section 3b and 3c below. Reimbursement for use of a personal vehicle will be made at the standard mileage rate allowed by the IRS.

b. Employees who choose a mode of transportation other than flying when airfare is the least expensive means of travel will receive the lesser of the actual costs of mileage reimbursement plus parking or airfare at the lowest rate available plus $100 to account for ground transportation and baggage fees. Documented estimates for airfare should reflect the 14 day advance rate (i.e., not a premium rate or rate charged for last minute travel arrangements).

c. Reimbursement will be made for one round trip from the employee's home to the airport, train, or bus station, except for those employees that receive a car allowance. In addition, all employees that choose to drive to the airport, train or bus station will be reimbursed for the actual costs of parking at such station. Alternatively, employees can choose to be reimbursed for arranged transportation to the airport via taxi, shuttle and/or other arranged services (Uber/Lyft etc.).

d. A car rental amount may be reimbursed or paid in certain situations if pre-authorized by the Department Director. Use of procurement card is encouraged for this expense.

Limitations - If lodging is located at the conference or training facility, reimbursement for car rental normally should not be authorized.

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e. When traveling using a City vehicle, employees should obtain a City gas card from Accounting Services.

4. Other Reimbursable Business Related Expenses - Registration fees, Admission Costs, Ground Transportation, Parking, etc.; Use of procurement card is encouraged for these expenses.

5. There will be **NO** reimbursement for any fees charged for the use of a travel agent.

Reimbursement Request Process:

1. Within 10 business days of the employee's return, the Department should submit the employee's reimbursable expenses in the MUNIS Employee Expense module; original receipts and mileage documentation should be attached to the electronic submission. Object code 724100 should be used in MUNIS for all City travel and training.

2. The reimbursement will be approved through departmental workflow and will be processed by the Finance Department.

3. All reimbursements will be deposited via direct deposit (ACH) to the employee's bank account use for payroll deposits.

V. Other

1. **Travel Advances** – As a general rule, advances of travel expenses shall not be provided unless waiting for a reimbursement will cause a financial hardship for the employee. Any hardship exception requires written approval from the employee's Department Director stating the reason and requesting approval by the Finance Director. Once approved, the Finance Department will process the advance in the Employee Expense Module. Any advances should be deducted when the employee's expenses are processed for reimbursement.

Limitations – Advances will only be considered if the advance is over $250 and only for Per Diem and mileage amounts as procurement cards can be used for all other expenses that the employee may incur.

2. **Use of Procurement Cards** – As a general rule, the Procurement Card should be used to make travel arrangements when possible. The Procurement Cards can be obtained

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from the Purchasing Division of the Finance Department. When not practicable for personal expenses to be separated from official City business expenses, and when such costs are paid by the use of the Procurement Card, the employee is required to reimburse the City for these costs. If an employee does not have his/her own Procurement Card, an employee designated to make departmental travel arrangements should utilize a Procurement card to pay these expenses on behalf of the travelling employee. In rare instances where the use of the Procurement Card is not possible, payments by the employee for registration, hotel, or airfare can be reimbursed to the employee by using the employee expense module in MUNIS.

3. **No-Show Fees** – City travelers are responsible for no-show fees, unless an emergency or other approved reason(s) causes cancellation. Expenses paid to or on behalf of the traveler and not accounted for in accordance with City travel policies and IRS regulations may be included in the employee's taxable income and reported on W-2 wage tax statements.

4. **Senior Management Limitation** – If a member of the Senior Management Group travels out-of-state to attend a conference or other similar training session more than once per fiscal year, then he/she is responsible to pay 50% of the transportation and lodging expenses (up to $250) unless an exception is granted by the City Manager or Designee (see attachment B for additional guidance on Senior Management travel).

5. **City Boards and Committees** - All City Board and/or Committee members should use this policy as a guide for travel reimbursements. These reimbursements will be made through accounts payable and a purchase order will be required.

6. **Official Visitors to the City** – City Departments should use this policy as a guide for lodging, transportation, Per Diem, or other reimbursable costs when they have someone who comes to the City and performs services for the benefit of the City at a nominal amount or for no cost. These reimbursements will be made through accounts payable and a purchase order will be required.

VI. Attachments

Attachment A – List of the Senior Management

FP 201 Attachment A.pdf

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Attachment B – Senior Management memo establishing the guidelines for the travel expenses of the Senior Management Group

Attachment B.pdf

ATTACHMENT D

City Council Procedures document

CITY COUNCIL PROCEDURES

ADOPTED BY CITY COUNCIL
ON SEPTEMBER 6, 1994
REVISED ON JANUARY 17, 1995
REVISED ON MARCH 20, 1995
REVISED ON NOVEMBER 6, 1995
REVISED ON NOVEMBER 2, 1998
REVISED ON MARCH 20, 2000
REVISED ON MAY 1, 2000
REVISED ON MAY 7, 2001
REVISED ON JUNE 4, 2001
REVISED ON NOVEMBER 19, 2001
REVISED ON DECEMBER 3, 2001
REVISED ON NOVEMBER 4, 2002
REVISED ON DECEMBER 16, 2002
REVISED ON MARCH 3, 2003
REVISED ON APRIL 7, 2003
REVISED ON FEBRUARY 21, 2005
REVISED ON APRIL 21, 2008
REVISED ON JUNE 15, 2009
REVISED ON MARCH 19, 2012
REVISED ON NOVEMBER 8, 2012

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I. THE CITY COUNCIL.

1.1 Name.

"The Council members and Mayor, when elected and duly qualified, shall constitute a board to be known and designated as the City Council."
(Charter § 6)

1.2 Oaths/Terms.

"The Mayor and each Council member, before entering upon the duties of the office to which they have been elected, shall take before some officer authorized to administer oaths, an oath that they will fairly and impartially perform the duties of their office. The Mayor and Council members shall hold their respective offices until their respective successors have been duly qualified."
(Charter § 7)

1.3 Powers.

"The City Council shall have full power and authority, except as otherwise provided for in this Charter, to exercise all of the powers conferred upon and delegated to the City of Durham by this Charter and by the laws of North Carolina. The City Council shall have power to make such ordinances, rules and regulations, as it may deem necessary for the proper government of the City and to promote and safeguard the health, morals, safety and general welfare and convenience of the public. The City Council may provide for the proper enforcement of such ordinances, in such manner as it may think best, by fine, imprisonment or otherwise. The City Council may provide for the organization of the offices, departments and divisions of the City government, not inconsistent with this Charter: by way of example and not limitation, the City Council, in performing the duties and responsibilities set forth in G.S. 160A-412, may assign all or part of the duties of an inspection department to an existing or newly created department, division or office of the City, may assign all or some of the personnel appointed pursuant to G.S. 160A-411 to an existing or newly created department, division or office of the City and may designate the job titles and duties of the personnel so assigned. Pursuant to Article V, Section 2(7) of the Constitution of North Carolina, the City Council may contract with, and appropriate money to, any person, association or corporation for the accomplishment of any public purpose."
(Charter § 8)

1.4 City Council Employees.

The City Council employs the City Manager, the City Clerk and the City Attorney. Council members are expected to direct work requests to Council employees and not directly to staff. Work requests which will require unusual amounts of time or resources are expected to be presented to the City Council or Council work session (by the Council member or the Council employee) before the work is undertaken.
(Charter §§ 16, 20 and 21)

1.5 Mayor.

"The power and duties of the Mayor shall be such as are conferred upon him by this Act, together with such others as are conferred by the City Council in pursuance of the provisions of this Act and no other….

He shall be recognized as the official head of the City, and shall be so considered by the public for all ceremonial purposes. He shall have power to administer oaths and take affidavits. Such functions not enumerated in this Charter as are conferred upon the Mayor by the general laws of the state shall be exercised by the City Manager, unless the City Council designates some other person to exercise the same."
(Charter § 9)

1.6 Mayor Presides.

"The Mayor shall preside at all meetings of the City Council and shall vote upon all questions unless excused as provided in section 11(3) of this Chapter, but shall have no additional vote in case of a tie."
(Charter § 9, second paragraph, and first sentence)

1.7 Mayor Pro Tempore.

"During the disability of the Mayor, or his absence from the City, the functions of his office shall devolve upon some member of the City Council designated by that body as Mayor Pro Tempore at its first meeting after each general municipal election. The Mayor Pro Tempore shall preside over meetings of the City Council in the absence of the Mayor."
(Charter § 10)

1.8 Successor.

In the absence of the Mayor and Mayor Pro Tempore, the responsibility for chairing meetings of the City Council shall be chaired by the most senior member of Council attending the meeting. At the first meeting of the City Council after each general election, the Mayor shall designate the order for chairing meetings among those members of equal seniority.

II. CITY COUNCIL MEETINGS.

2.1 Regular Meetings.

2.1.1 "Regular meetings of the City Council shall be held at least twice but not more than four (4) times each month at such times as may be designated by ordinance of the City Council."
(Charter § 11(1))

2.1.2 There shall be regular meetings of the City Council in the City Hall Council Chambers at 7:00 p.m., on the first and third Mondays of each month; provided, however, in the month of July there shall be only one regular meeting, which meeting shall be held on the third Monday of July at the time and place provided for regular meetings in this section; provided further, however, when any such Monday (to which reference is made in this subsection) shall be observed as a legal holiday, the regular meeting to have been held on such Monday shall be held at the same time on the next day that is not observed as a legal holiday. There shall be regular work session meetings of the City Council as provided in Section 3.2.

2.1.3 If any regular meeting continues beyond 10:00 p.m., it may be recessed in the manner prescribed by this subsection. After 10:00 p.m., any Council member may request that a vote be taken on the question of whether the meeting should continue further. The Mayor shall then call for a vote on the question: "Shall the meeting continue?", even if another motion is pending. If as many as one-fourth of the Council members present and voting, vote no, then the meeting shall recess until 7:00 p.m. on the following night (unless the next day is a holiday, in which case the meeting shall reconvene at 7:00 p.m. on the next day that is not a holiday). If not as many as one-fourth of the Council members present and voting, vote no, then the meeting shall continue. A similar request may not be received until at least fifteen (15) minutes have elapsed from the time of the last vote. The City Clerk shall be the timekeeper for determining how much time has elapsed. Before recessing a meeting pursuant to this subsection, the City Council shall hold any closed session it may have voted to have (and conclude any business related to the subject of the closed session), even though the meeting continues beyond 10:00 p.m. for this purpose.

2.1.3(a) Before reconvening any meeting that has been recessed pursuant to this subsection, the Mayor, or person presiding, shall determine that there are four (4) Council members actually present. The first order of business at the reconvened meeting shall be to consider the request(s) of Council member(s) to be excused from the meeting. A Council member may make such a request through the City Clerk, City Manager or City Attorney.

2.1.3(b) If the Mayor, or person presiding, determines that there are fewer than four (4) Council members actually present, then the Mayor or person presiding shall delay the beginning of the meeting until such time as at least four Council members are actually present. If, however, after one hour, at least four Council members still are not actually present, then the Mayor or person presiding may adjourn the

meeting and all pending business shall be carried forward to the agenda for the next regularly scheduled meeting of the City Council.

2.2 Special Meetings.

"The Mayor, any four (4) members of the City Council, or the City Manager, hereinafter provided for, may call special meetings of the Council upon at least six (6) hours notice to each member. Notice may be given to a member by direct telephone communication with such member or by direct personal conversation with such member or by written notice to any member not otherwise notified by serving such written notice personally upon such member or by leaving such written notice at such member's residence or business. Written notice as provided herein may be served by any person or persons designated by the City Manager. A special meeting may be held at any time without notice provided that all of the members of the Council attend."
(Charter § 11(2))
(Note: The State Open Meetings law, which supersedes this section, requires that at least forth-eight (48) hours prior public notice be given. This notice may be given through the City Clerk's office).

2.3 Agenda.

2.3.1 The City Manager shall prepare, or cause to be prepared, an agenda of business, which will be transacted at regular meetings of the City Council. This agenda shall consist of three parts: (i) a Consent Agenda, (ii) a General Business Agenda, and, if necessary, (iii) a Supplemental Agenda.

2.3.1(a) The Consent Agenda shall include those matters which have not received a negative vote by any member of Council in settling the agenda at the Council work session meeting, and which do not include a public hearing.

2.3.1(b) Except as provided in Section 2.3.1(c), all matters appearing on the Consent Agenda shall be approved, adopted or accepted, as the case may be, upon a single vote of the Council. Each matter so approved will appear in the minutes of the Council in its proper form, showing approval. No matter requiring a public hearing shall be placed on the Consent Agenda. If any citizen wishes to be heard on any Consent Agenda matter such person may request that said matter be removed from the Consent Agenda, and such matter shall thereupon be separately considered. On request of any member of the Council any matter on the Consent Agenda shall be considered separately.

2.3.1(c) Members of the City Council may cast a negative vote for one or more matters appearing on the Consent Agenda without removing the matter from the Consent Agenda, provided that the members do not request additional discussion on the matter.

2.3.2 All other matters, except those described in Section 2.3.3, shall be included in the

General Business Agenda, and shall be considered separately.

2.3.3 The following matters shall be placed on the Supplemental Agenda and shall be considered separately: any matter not previously considered by the Council at its work session and deemed by the City Manager to be of immediate importance. The Supplemental Agenda shall be in the format prescribed in Section 2.3.4 and shall be distributed to Council members at or before the regular Council meeting.

2.3.4 Each matter appearing on the agenda shall consist of

(a) The agenda number of the matter,
(b) A descriptive caption, and
(c) The question to be considered by the Council.

Explanatory and supporting information shall be attached to the agenda where practical.

2.4 Order of Business.

2.4.1 The first order of business at every regular meeting of the City Council shall be consideration of matters requiring the immediate attention of the City Council. The Mayor shall call on the City Manager, City Attorney and City Clerk to identify any such matters. Matters identified by the City Manager, City Attorney or City Clerk as requiring immediate attention shall be considered by the City Council as the first order of business and shall not be subject to the provisions of Section 2.5 concerning the requirements for adding a matter to the agenda.

2.4.2 The second order of business at every regular meeting of the City Council shall be consideration of the Consent Agenda. Every matter withdrawn from the Consent Agenda by request of a Council member or citizen shall be heard as the fifth order of business as provided in Section 2.4.5 unless otherwise ordered. A member of Council may indicate a personal interest in or an abstention from voting on a matter on the Consent Agenda without the necessity of withdrawing such matter for separate consideration. Before the vote of the Council, the Mayor may order (i) the correction of errors appearing in the Consent Agenda or (ii) the revision of matters appearing in the Consent Agenda to conform to revisions shown in the Supplemental Agenda. The corrections and revisions may be made without the necessity of voting separately on each corrected or revised matter. The City Clerk shall conform the minutes to reflect the corrections or revisions ordered by the Mayor. The City Clerk shall also show in the minutes the abstention of a Council member from voting on any matter considered as part of the Consent Agenda as if a separate vote had been taken on such matter.

2.4.3 The third order of business shall be consideration of those matters appearing on the General Business Agenda.

2.4.4 The fourth order of business shall be consideration of matters on the Supplemental Agenda, if there is a Supplemental Agenda.

2.4.5 The fifth order of business shall be consideration of matters removed from the Consent Agenda.

2.4.6 The next order of business shall be consideration of matters which do not appear on the agenda. Consideration of such matters is subject to the provisions of Section 2.5.

2.5 Matters Not on Agenda; Ceremonial matters.

The Council shall not consider any matter that is not on the agenda, regardless of how the matter is presented, unless the person who seeks to introduce the matter for consideration shall state generally the subject of the matter and the Council shall approve adding such matter to its agenda by an affirmative vote of two-thirds of all the members present and voting at such regular meeting. An approving vote is not necessary, however, to present matters of a ceremonial or informational nature provided that the presentation is made only after consultation with and at the sole discretion of the Mayor. Matters of a ceremonial or informational nature include, but are not limited to (i) the reading and presentation of proclamations, (ii) courtesy recognition of persons in the audience, and (iii) announcements of any kind. The reading and presentation of resolutions honoring persons and organizations or commemorating events may not be added to the agenda at the Council meeting without the two-thirds affirmative vote otherwise required by this Section.

2.6 Rules.

2.6.1 Public Meeting.

"Meetings of the City Council shall be public, when required by G.S. Chapter 143, Article 33B, and any citizen shall have access to the records or minutes thereof at all reasonable times, unless otherwise provided by law."
(Charter § 11(3), first sentence)

2.6.2 Quorum.

"A majority of the members of the City Council shall constitute a quorum for the transaction of business."(Charter § 11(3), second sentence). A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

2.6.3 Voting.

2.6.3(a) "The ayes and nays shall be taken upon the passage of all ordinances, resolutions or actions having the effect of an ordinance or resolution and entered by the clerk upon the journal of the proceedings of the Council. The City Council may provide for the taking of aye and nay votes by means of electronic or mechanical tabulation visible to persons attending the meeting. Every ordinance, resolution or

action having the effect of an ordinance or resolution shall require four (4) affirmative votes, and no person shall be appointed to fill a vacancy as Mayor or member of the Council except by four (4) or more votes in favor of that person, provided, however, any provision of general law requiring a different vote than provided herein shall control except the provisions of G.S. 160A-75, which shall not apply to the City of Durham."
(Charter § 11(3), third through fifth sentences)

2.6.3(b) The Council may choose by majority vote to use written ballots when voting on a motion. The City Clerk shall prepare the ballots. Such ballots shall be signed by each voting Council member, and the minutes of Council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the City Clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

2.6.4 Ordinances.

2.6.4(a) "An ordinance is effective upon passage or at such subsequent time as the City Council may prescribe."
(Charter § 11(3), sixth sentence)

2.6.4(b) All ordinances, resolutions and other official actions of the City Council shall, upon adoption, be recorded by the City Clerk in permanent ordinance books, minute books, and such other books, optical disks or other recording media (approved by the City Council) as may be necessary to contain an accurate record of the official proceedings of the Council in accordance with archival law requirements of the North Carolina Department of Archives and History.

2.6.4(c) All ordinances and resolutions shall have proper captions, and the ordinances shall be numbered in numerical order. The minutes of the Clerk shall refer to the captions of all ordinances adopted by the Council, number of same and date of passage, but shall not contain the ordinance.

2.6.5 Abstention.

"No member shall be excused from voting, except on matters involving consideration of his own official conduct, or where his financial interests are involved. 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."
(Charter § 11(3), seventh through the last sentence)

2.6.6 Debate Limited; Council Member Time Limits

The reading of the number and caption of any matter appearing on the agenda by the Mayor shall constitute introduction of such matter for consideration by the Council. Subject to the provisions of Section 2.7.6, the Mayor shall rule "out of order" any debate or comment not relevant to a matter introduced for consideration, any debate or comment which shall be unduly repetitious, and any comments which personally criticize or are disrespectful to citizens, City staff or other members of Council. The first time a Council member has the floor on a matter, the member's comments shall be limited to not more than five minutes. After all other members have had an opportunity to speak on the matter; the member may have the floor for an additional period of not more than three minutes. These time limits shall not include time spent by staff or others in responding to comments made by the member who has the floor. The City Clerk shall be the timekeeper for determining how much time has elapsed. The Council, by majority vote of those members present, may extend these time limits. These time limits shall not apply to evidentiary hearings.

2.6.7 Time Limits.

2.6.7(a) Citizens.

A citizen wishing to speak on a matter on the agenda (other than an item previously placed on the agenda at the request of the citizen) must sign up to do so with the City Clerk by no later than the start of the meeting at 7:00 P.M. The City Clerk shall make available to citizens, upon request, a sign-up form with pertinent information to be supplied by the citizen such as name, address and phone number, the matter on which the citizen wishes to speak, and other information as may be specified on the sign-up form. No person who is not a Council member shall be allowed to speak more than five minutes on any question when addressing the City Council. In the interest of time or to apportion time among speakers, the Mayor may reduce the time allocated to each person. The City Council may, however, by majority vote of those present extend or limit the time of any speaker. This subsection does not apply to matters added to the agenda at the Council meeting, matters removed from the Consent agenda at the Council meeting by a Council member, and public hearings.

2.6.7(b) Public Hearings.

2.6.7(b)(1) Zoning. On questions involving amendments to the zoning ordinance and on other questions involving the presentation of opposing views, the proponents of such question shall be heard first. Proponents are limited to a total of fifteen (15) minutes, provided that up to five (5) minutes of the fifteen (15) may be reserved for rebuttal. Opponents shall be heard after proponents. Opponents are limited to a total of fifteen (15) minutes. Proponents may next be heard in rebuttal. The time of proponents or opponents may be extended by a majority vote of Council members present. Where several speakers appear as proponents or opponents, the Mayor may

fix and apportion the permitted time among such speakers unless otherwise ordered by the Council. The time taken for staff presentations is not counted against the time of either the proponents or opponents.

2.6.7(b)(2) Other hearings. On questions which do not involve the presentation of opposing views, each person addressing the Council is limited to five (5) minutes; provided, however, a speaker for a group may be permitted by the Mayor to speak for up to ten (10) minutes unless otherwise ordered by the Council. In the interest of time or to apportion time among speakers, the Mayor may reduce the time allocated to each person, unless otherwise ordered by the City Council. The Council may, by a majority vote of Council members present, extend the time of any speaker.

2.6.7(b)(3) Evidentiary hearings. Hearings on license revocations and other similar hearings are not governed by the provisions of this section. The Council may fix reasonable time limitations for such hearings.

2.7 Parliamentary Procedure.

2.7.1 Action By Council.

The City Council shall proceed by motion. Any Council member may make a motion. Each motion requires a second. A Council member may make only one motion at a time.

2.7.2 Vote Required.

A motion to adopt an ordinance or resolution or to take any action having the effect of an ordinance or resolution requires at least four (4) affirmative votes. All other motions shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

2.7.3 Renewal of Motion.

A motion that is defeated may be renewed at any later meeting, provided that the motion appears on the agenda or is added to the agenda in the manner provided by these rules.

2.7.4 Withdrawal of Motion.

A motion may be withdrawn by the maker at any time before a vote. The consent of the second to the motion is not required.

2.7.5 Debate.

The Mayor shall state the motion and then open the floor to debate on it. The Mayor shall preside over the debate according to the following general principles:

(a) The Council member who makes the motion is entitled to speak first.

(b) A Council member who has not spoken on the issue shall be recognized before someone who has already spoken.

(c) The Mayor shall rule out of order any debate which is not relevant to the motion being debated.

2.7.6 Preserving Order.

The Mayor shall decide all questions of order. Any Council member may appeal to the City Council from the decision of the Mayor upon any question of order. A majority of the votes cast on the appeal, a quorum being present, is required to overrule the decision of the Mayor on the question of order.

2.7.7 Closed Sessions.

The Council may hold closed sessions as provided by law.

2.7.8 Ratifications.

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

2.7.9 Substantive Motions.

A substantive motion is out of order while another substantive motion is pending.

2.7.10 Procedural Motions.

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. In order of priority (if applicable), the procedural motions are:

2.7.10(a)To Adjourn.

The motion may be made only at the conclusion of all business which appears on the printed agenda or which has been added to the agenda in the manner prescribed by these rules. A motion to adjourn or recess to a time and place certain shall also state the time and place where the meeting will reconvene.

2.7.10(b) To Take a Brief Recess.

2.7.10(c) Call to Follow the Agenda.

The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

2.7.10(d) To Suspend the Rules.

The motion requires for adoption a vote equal to two-thirds of the actual membership of the City Council (excluding vacant seats), a quorum being present. This motion may not suspend provisions of rules that state requirements imposed by law.

2.7.10(e) To sever.

Any motion which contains two or more parts shall be severed upon request of any Council member and separate votes shall be taken upon the main motion and the severed part or parts of the main motion. The request is a matter of right, requires no second or vote, and is not debatable.

2.7.10(f) To Defer Consideration.

A substantive motion, the consideration of which has been deferred, expires after 100 days have elapsed following the day of deferral unless a motion to revive consideration is adopted during the 100-day time period.

2.7.10(g) Call for the Question.

This action requires no second, is not debatable and is effective when recognized by the Mayor. After a call for the question has been recognized by the Mayor, the Mayor shall endeavor to bring discussion to a conclusion and may, in the interest of time, cut off debate. Cutting off debate is a decision upon a question of order and is appealable under Section 2.7.6.

2.7.10(h) To Postpone to a Certain Time or Day.

2.7.10(i) To Refer to a Committee.

Ninety days or more after a motion has been referred to a committee, any Council member may compel consideration of the measure by the entire Council, whether or not the committee has reported the matter to the Council. This is accomplished by written notification to the City Manager and the Chair of the committee (or Vice Chair, in the absence of the Chair) to which the motion is referred. Notice must be given at least two business days before the date of the work session meeting preceding the City Council meeting at which the motion will be revived. The City Manager shall cause each such notice to be stamped with the time of receipt and such stamped time shall be conclusive for the purpose of determining compliance with the requirements of this paragraph.

2.7.10(j) To Amend.

An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amendment has the same effect as rejection of the original motion.

A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by vote.

2.7.10(k) To Substitute.

A substitute motion must be pertinent to the subject matter of the motion. A substitute motion is improper if adoption of the substituted motion has the same effect as rejection of the original motion.

A substitute to a substitute motion may be offered but no further substitute motion may be made until the last-offered substitute has been disposed of by a vote.

The adoption of a substitute motion constitutes approval of a substantive motion and cancellation of the pending original motion.

Similarly, the adoption of a substitute to the substitute constitutes approval of a substantive motion and cancellation of both the pending substitute and original motions.

2.7.10(l) To Revive Consideration.

The motion is in order at anytime within the 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires after 100 days have elapsed following the deferral unless a motion to revive consideration is adopted within the 100-day period. A Council member must notify the City Manager in writing at least two business days before the work session meeting next preceding the Council meeting at which the motion will be made in order to permit the City Manager to put the item on the City Council's agenda. The City Manager shall cause each such notice to be stamped with the time of receipt and such stamped time shall be conclusive for the purpose of determining compliance with the requirements of this paragraph.

2.7.10(m) To Reconsider.

A motion to reconsider may be made by a Council member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment or recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order anytime before final adjournment.

2.7.10(n) To Rescind or Repeal.

The motion is not in order if rescission or repeal of an action is forbidden by law.

2.7.10(o) Consideration of Matters, Which Are Not on Agenda.

No substantive or procedural motion shall be received on any subject which does not appear on the agenda nor shall any subject be considered by the City Council unless, pursuant to Section 2.5, the subject is added to the agenda or is a ceremonial matter approved by the Mayor.

2.8. Resignation of Members.

Resignation of members of the City Council shall be in writing and shall specify the time that the resignation becomes effective. A resignation that fails to specify an effective time shall be effective when accepted by the City Council. The written resignation shall be filed with the City Clerk who shall record the date and time the resignation is filed. The City Clerk shall present the resignation to the next regular meeting of the City Council and such presentation shall not be subject to the requirements of Section 2.5. At such meeting or at such later time as the City Council may decide, the City Council shall vote on the question of accepting the resignation. A resignation may be withdrawn by the maker at any time prior to the time the City Council votes to accept it. A resignation may not be withdrawn, once it has been accepted by the City Council, except by an approving vote of the City Council.

2.9 Filling Vacancies.

2.9.1 The City Council shall identify and appoint a qualified person to fill an existing vacancy in the office of the Mayor or Council Member. The Council Member who has resigned or announced their intention to resign shall not participate in the process of filling their vacancy once their resignation has been accepted by the City Council. The Mayor or other presiding officer will serve as the chairperson over this process.

2.9.2 The City Clerk shall give public notice of the vacancy. The notice shall invite applications from persons who are interested in filling the vacancy. The form of the application shall be provided by the City Clerk. The form of the application shall be substantially similar to the form used on the most recent occasion of the filing of a vacancy in the office of the Mayor or Council Member, or such other form as may be prescribed by the City Council. Completed applications shall be filed with the City Clerk on or before a date specified in the application, which date shall be not more than 10 days after the first publication of the notice, or within such other period of time as may be prescribed by the City Council

2.9.3 The City Clerk shall investigate the tax records and voting records of each applicant to ensure that all Durham County taxes are current and that the applicant is a registered voter in Durham County. The City Clerk shall also determine that each

applicant satisfies all residency requirements to fill the vacancy. The applications and the information gathered by the City Clerk with respect to applicant tax records,voting records and residency shall be provided to the City Council.

2.9.4 The City Council shall develop criteria to be used as a basis for evaluating the applications. The City Council shall evaluate the applications based on the criteria and shall narrow the field of applicants to such number as the City Council deems appropriate.

2.9.5 The City Council shall develop a list of written questions (the "questionnaire") to elicit information, which it deems appropriate in evaluating the remaining applicants. The City Clerk shall mail or deliver the questionnaire to the remaining applicants. The questionnaire shall specify a due date, on or before which the completed questionnaire must be returned to the City Clerk. The City Clerk shall deliver the completed questionnaires to the City Council.

2.9.6 The City Council shall use the responses to the questionnaire as a basis for further narrowing the field of applicants to a final field of not less than three nor more than seven candidates. These candidates shall be invited to appear before the City Council to be interviewed.

2.9.7 The Mayor or other presiding officer shall schedule all meetings of the City Council for the purpose of filling a vacancy under this subsection. All such City Council meetings shall be called and held consistent with the State's Open Meetings Law. The Committee meeting or meetings to interview the candidates shall preferably be held during the evening hours on regular City business days. The Mayor or presiding officer shall attempt to obtain cable television coverage of the interviews.

2.9.8 The Council shall interview each candidate separately with the other candidates excused from the interview room.

2.9.9 At the conclusion of the meeting at which the interviews are conducted, or at a subsequent meeting, the City Council shall decide upon a candidate to appoint to fill the vacancy.

2.9.10 The business of the filling of a vacancy under this section shall be conducted with dispatch and consistent with all provisions of Section 13.2 of the City Charter.

2.9.11 The City Council is authorized to modify the procedure prescribed by this section (consistent with the general spirit and intent thereof) in order to deal with unexpected situations or to make timely progress.

2.10 Special Rules for Appointing Citizens to Boards, Committees and Commissions.

2.10.1 The rules contained in Attachment A, which is a part of these rules, govern the appointment of persons to the various Boards, Committees and Commissions of the

City, provided, however, the following Section 2.10.2 shall control with respect to nominations made by the Mayor.

2.10.2(a) Within ten days after the organizational meeting of the City Council, following each municipal election, the City Clerk shall prepare and furnish to the Mayor and Members of the City Council, a list showing the terms which will expire during the next two years of members of Boards, Committees and Commissions some or all of the members of which are appointed by the city Council.

2.10.2(b) Upon the occasion of the first term expiration to occur for each of the Boards, Committees or Commissions identified by the City Clerk on the list to which reference is made above, the Mayor shall, not later than twenty days before the expiration of the term under consideration, submit to the City Council, in writing, the nomination of a person to fill the position for which the term is expiring. Provided, however, this paragraph shall not apply to the following Boards, Committees and Commissions:

(1) Those where existing law or regulation provides for the appointment of one or more members by the Mayor;

(2) Those to which the City Council make only one appointment; and

(3) Those for which only one term expiration occurs during the ensuing two-year period.

2.10.3 The City Clerk shall designate the foregoing Boards, Committees and Commissions to which this paragraph does not apply, on the list to which reference is made in paragraph (a) above. Notwithstanding any other rule to the contrary, except Section 2.7.10(d) (a motion to suspend the rules), the City Council shall, at its next regular meeting, vote upon the appointment of the person nominated by the Mayor to fill the position, and no other nomination shall be considered until after the City Council has voted upon the appointment of the person nominated by the Mayor.

2.11 Travel Policy.

The policy contained in Attachment B, which is a part of these rules, governs travel by City Council members on City business.

2.12 Sister Cities Policy.

The policy contained in Attachment C, which is a part of these rules, governs participation by Council members in the Sister Cities Program.

2.13 Matters in Litigation.

Communications to the City Council from citizens or their attorneys concerning matters in

litigation shall be directed to the City Attorney or counsel representing the City, as the case may be, and shall not otherwise be considered by the City Council or the committees.

2.14 Censuring Members.

A member of Council may be censured for extreme or outrageous conduct in making a deliberate and intentional violation of these rules. If the violation occurs at a public meeting, a prerequisite to censure shall be that the member has first been ruled out of order under Section 2.7.6 and the conduct continues after such ruling. Censure shall not take place at that meeting; rather, a Council member wishing to add a motion to censure another member shall contact the Manager's office in time to have the matter added to the printed agenda of the next meeting of the Council work session for discussion. The Council member charged with the violation shall have the right to be heard prior to any decision by Council on the matter. If Council finds that a violation warranting censure has occurred, Council may adopt a motion of censure, which shall be placed as a matter of record in the minutes of the meeting. Censure shall only take place at a regular or special meeting of Council and shall require at least five affirmative votes, a quorum being present.

2.15 Council Member Responsibilities as Liaison Appointments to Other Boards.

A member of Council may be appointed to serve as a liaison between the Council and another committee, board, authority, bureau, nonprofit corporation or other entity. As a liaison appointee, the member of Council should provide a link between Council and the other group. Unless the bylaws or procedures of the group provide otherwise, the member of Council shall not be a voting member and need not attend all meetings of the group with the same consistency as a regular voting member of the board of the group. The member of Council is not required to participate in other activities of the group, but should facilitate the exchange of information between the group and Council.

2.16 Rules of Decorum for Citizen Participation.

The Rules of Decorum for citizen participation apply to all City Council and work session meetings. These rules are posted on the walls of the Council Chambers and the Committee room, and are also available from the City Clerk.

III. CITY COUNCIL WORK SESSION.

3.1 Purpose.

This meeting is intended to be an informal working session of the City Council. Except as provided in Section 3.10, votes shall be taken only on procedural matters (including settling the agenda), but not on substantive matters (such as the matters included on the agenda).

3.2 Meetings.

The City Council will meet in the Committee Room on the second floor of the City Hall in a work session at 1:00 noon on the Thursdays falling eleven days prior to the first and third Mondays of each month. When any such Thursday shall be observed as a City holiday, then such meeting shall be held at such time as may be ordered by the Council.

3.3 Agenda.

The City Manager shall prepare the agenda for the work session. To the extent practical, the agenda shall be distributed to Council members not later than three days before the work session meeting. To the extent practical, supporting information shall be attached to such agenda so that Council members may be familiar with business to be considered by the work session.

3.3.1 Administrative Consent. The agenda shall include an "Administrative Consent" category, consisting of items which are considered routine by the City Manager. The following general matters of business are designated as routine matters:

Taxicab Driver's Permits
Transfer of Taxicab Ownership
Annual Certification of Firemen
Bids
Bid Reports
Minutes of prior City Council meetings
Renewal of Insurance Contracts
Time Payment Petitions
Street Closings - Setting Public Hearings
Assessments - Setting Public Hearings for Confirmation
Street Improvements - Setting Public
Hearings Ordering Improvements
Traffic Matters - Stop Signs, Parking
Restrictions, Handicap parking, Loading
and Unloading, Speed Limits, etc.
Street Acceptance

Stopping, Standing, or Parking Ordinances
Ceremonial resolutions added as matter of right under Section 3.5.3

The City Manager is authorized to remove items from the Administrative Consent category when, in the City Manager's judgment, such items are unusual or require a greater level of consideration by the Council. The City Manager is authorized to place in the Administrative Consent category other items, in addition to the matters listed above, which the City Manager deems to be routine in nature.

3.4 Business Limitations.

The work session is limited to consideration of:

(1) Matters on the agenda, including citizen matters added in accordance with Section 3.4.1.

(2) Receiving reports from the City Manager, City Attorney, and City Clerk.

(3) Discussion of matters of concern to Council members, if added to the agenda in accordance with Section 3.5(3).

3.4.1 Citizen Matters.

3.4.1(a) A citizen may request to address the Council by contacting the City Manager in writing at least 10 calendar days prior to the date of the meeting. The City Manager shall request the name and phone number of the citizen(s) and a description of the matter to be presented in detail sufficient to permit the City Manager to know the nature of the matter to be presented. If the City Manager deems appropriate, the matter will be included on the printed agenda and an informed staff person will be present at the meeting to address the matter. Not more than six citizen matters may be placed on the agenda for a meeting. A matter that initially appears on the agenda as a citizen matter and is then referred by the Council at the work session to the City administration with a direction to report back at a future work session meeting shall be listed in the “Citizens Matters” section of the agenda when it comes back to the work session.

3.4.1(b) Matters of business that appear on the agenda as a result of requests of citizens shall be heard at 1:00 P.M.

3.4.1(c) A citizen wishing to speak on a matter on the agenda (other than an item already placed on the agenda under Section 3.4.1(a) at the request of the citizen) must sign up to do so with the City Clerk by no later than the start of the meeting at 1:00 P.M. The City Clerk shall make available to citizens, upon request, a sign-up form with pertinent information to be supplied by the citizen such as name, address and phone number, the matter on which the citizen wishes to speak, and other information as may be specified on the sign-up form.

3.4.1(d) Citizens shall not speak for more than three minutes on any matter when addressing the City Council at the work session. In the interest of time or to apportion time among speakers, the Mayor may reduce the time allocated to each person and cumulatively limit the time of all proponents or opponents to a matter. The Council may, however, by majority vote of those present, extend or limit the time of any speaker.

3.4.2 Disrespectful Comments.

The Mayor may rule "out of order" any comments which personally criticize or are disrespectful to citizens, City staff or other members of Council.

3.4.3 Debate Limited.

The first time a Council member has the floor on a matter, the member's comments shall be limited to not more than five minutes. After all other members have had an opportunity to speak on the matter, the member may have the floor for an additional period of not more than three minutes. These time limits shall not include time spent by staff or others in responding to comments made by the member who has the floor. The City Clerk shall be the timekeeper for determining how much time has elapsed. The Council, by majority vote of those members present, may extend these time limits.

3.5 Order of Business.

Unless otherwise ordered, the order of business for regular meetings of the work session shall be as follows:

(1) Consideration of priority matters presented by the City Manager, City Attorney or City Clerk.

(2) Review of the printed agenda. The Mayor shall call the number of each agenda item and may, for clarity or upon request of a Council member, read the caption and/or the agenda item in its entirety.

(3) Consideration of requests to add matters to the agenda. Except as provided below for ceremonial resolutions, the Council shall not consider any matter that is not on the agenda, regardless of how the matter is presented, unless the person who seeks to introduce the matter for consideration shall state generally the subject of the matter and the Council shall approve adding such matter to its agenda by an affirmative vote of four members of the Council. An approving vote is not required for a Council member to add to the consent agenda a resolution honoring persons and organizations or commemorating events. No more than two such resolutions may be submitted by a Council member during a fiscal year (July 1—June 30) and no more than sixteen such resolutions may be submitted cumulatively by Council members during a fiscal year without complying with the provisions of Section 2.5. A resolution is considered to have been submitted by all Council members sponsoring or co-sponsoring the

resolution. If a Council member discloses that the member is sponsoring a resolution at the request of another member, then the resolution is considered to have been submitted by both members. If the resolution is added as a matter of right under this paragraph, then it shall be considered as a routine item and placed on the Consent Agenda pursuant to Section 2.3.1(a).

(4) Settling the agenda in the manner prescribed by the following Section 3.6.

(5) Consideration of closed session items, if any.

3.6 Settling the Agenda.

3.6.1 At the work session, the City Council shall settle the agenda for its upcoming regular meeting by majority vote of those present and voting. In doing so, the City Council may take any of the following actions:

(1) Approve the agenda in the form presented to it by the City Manager;

(2) Subject to the limitations of Section 3.6.1(3)(a) regarding public hearings, make corrections or revisions in the agenda. The corrected or revised agenda item shall be shown on the Supplemental Agenda for information purposes, but a separate vote at the regular meeting is not required to effect the correction or revision;

(3) Remove an item from the agenda and refer it to a future work session or to the City Manager, provided however, this action may not be taken with respect to:

(a) any public hearing,
(b) any item initiated by a Council member to compel consideration of a matter under Section 2.7.10(i), and
(c) a motion to revive consideration pursuant to Section 2.7.10(l);

(4) Add an item to the agenda. The item shall appear as an addition in the Supplemental Agenda and is not subject to the provisions of Section 2.5. Proclamations commemorating events, events honoring persons, organizations or other entities and similar matters must be added to the agenda at the work session or otherwise be subject to the provisions of Section 2.5.

3.6.2 Before the agenda is settled, the City Manager shall announce to the work session any matter of which the City Manager is aware which does not appear on the agenda or in any revision or addition thereto, but, in the judgment of the City Manager, is likely to be added to the Supplemental Agenda by the City Manager. The City Manager need not make such an announcement if, in his or her judgment, such an announcement would prejudice the best interests of the City.

3.6.3 The failure of the City Council at the work session to settle the agenda shall constitute approval of the form of the agenda presented by the City Manager.

3.7 Quorum.

Four (4) members of the City Council shall constitute a quorum for the work session.

A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

3.8 Abstention.

The same rules applicable to voting and abstention at regular evening City Council meetings shall apply to Council work session meetings.

3.9 Special Meetings.

Special work session meetings of the City Council may be scheduled for the purpose of considering lengthy reports of the City Manager or City Attorney or for discussing matters of concern to Council members. The City Clerk shall notify Council members of any such special meeting and shall give timely public notice thereof.

3.10 Substantive Votes.

3.10.1 Votes on substantive legal matters are permitted at the work session provided that:

(1) The matter is presented by the City Attorney as a priority item;

(2) If the matter is considered in closed session, the requirements of Article 33C of Chapter 143 of the North Carolina General Statutes (open meetings law) shall apply. Closed sessions will take place at the end of the other business of the work session or at some earlier time specified in the motion to hold the closed session. The limitations of Section 3.1, concerning votes on substantive matters, do not apply to votes taken pursuant to this section.

3.10.2 Votes on any other substantive matters (such as the matters on the agenda or matters added to the agenda) are not permitted at the work session unless the City Council first adopts a motion to suspend the rules in accordance with Section 2.7.10(d).

IV. COMMITTEES OF CITY COUNCIL.

4.1 Appointment by Mayor.

"The Mayor shall appoint all standing committees and special committees of the City Council, unless the City Council shall vote to elect any or all of such standing or special committees."
(Charter § 9, second paragraph, second sentence)

4.2 Special Committees.

The City Council may authorize the creation of special committees. All special committees authorized by the Council shall, unless otherwise ordered, be appointed by the Mayor. Special committees shall report back to the City Council through the work session.

V. MISCELLANEOUS CHARTER PROVISIONS.

Please see Attachment D for the following Charter sections:

§ 13.1 - Council to Judge Elections.

§ 13.2 - Vacancies in office of Mayor or member of City Council.

§ 13.3 - Special election to fill vacancies.

§ 14 - Double office holding.

§ 15 - Removal of elective officers from office.

§ 16 - City Manager.

§ 17 - Powers and duties of the City Manager.

§ 18 - Relations between the City Council and the City Manager.

Attachment A

PROCEDURES FOR APPOINTING CITIZENS TO BOARDS, COMMITTEES AND COMMISSIONS

1. The City Clerk shall administratively publicize vacancies on Boards, Committees and Commissions in advance of terms expiring to ensure appointment by Council prior to the termination date of the term.

2. The City Clerk shall establish a cutoff date (usually a 30 day period) and if an unqualified number of applications are received and/or unqualified number of applications received due to the residency requirements, then the City Clerk will administratively republicize for the additional time period, prior to beginning an agenda item to the assigned committee.

3. In addition to the publicizing procedures, the City Clerk shall administratively solicit interested citizens through professional organizations when appropriate.

4. After receipt of a resignation [within 6 months] or if an appointee cannot be contacted or does not come in to be sworn in – then the City Clerk shall submit to the appropriate committee the same applicants (previously submitted) for a new appointee/appointments.

5. When a term with six (6) months or less remaining is filled, then at the expiration date of the term the name of the appointee will be submitted to the appropriate committee for nomination for reappointment, and/or publicizing of vacancy.

6. The City Clerk has been authorized to administratively disqualify applications which do not meet the required "publicized vacancy" on various boards, commissions, and committees, i.e. residency, minority, non-minority, and category requirements.

7. Citizens will be required to sign a commitment of service when appointed to various boards, committees or commissions.

8. Boards, Committees and Commissions (staff representative) shall submit to the City Clerk's Office a one-year attendance report covering the fiscal year July to June and calendar year January to December; and in turn the City Clerk will compile these reports into an agenda item for submission to the Council.

9. The City Clerk has been authorized to verify property tax status for applicants to Boards, Committees and Commissions. Property taxes <u>must</u> be current. County and City taxes must not reflect any delinquencies <u>before</u> an application is submitted. For persons appointed to the Board of Adjustment and Durham Planning Commission, property taxes must remain non-delinquent. If the member's taxes become delinquent during the term of the appointment, the member shall be allowed up to 30 days to bring the taxes current.

10. Persons applying for appointment to a Board, Committee or Commission shall be in

compliance with all codes, ordinances and regulations that the particular Board, Committee or Commission enforces. The City Council shall not consider the application if the person fails to comply with the provision.

Members of Boards, Committees or Commission shall be in compliance with all codes, ordinances and regulations enforced by their particular Board, Committee or Commission. The City Council may remove a member from his or her Board, Committee or Commission for failure to comply with the provision.

11. Citizens may serve only two (2) consecutive terms on boards, committees or commissions except for members of the Design District Review Team and the Raleigh-Durham Airport Authority who are subject to serving three (3) consecutive terms.

12a. *Mayoral Appointments to Certain Boards and Commissions.* The Mayor shall be entitled to make a recommendation for Council approval for one citizen appointment to each of the boards and commissions listed below and to other boards or commissions that the Mayor may add to this list from time to time as described in (b) below. These appointments, although subject to approval by the City Council, shall be termed "Mayor's appointee(s)" in these procedures. Only one Mayor's appointee shall serve at any one time on a board or commission.

Durham Board of Adjustment
Convention and Visitors Bureau Board of Directors
Durham Housing Authority
Housing Appeals Board
Passenger Vehicle for Hire Commission
Durham Convention Center Authority
Raleigh-Durham Airport Authority
Durham Area Transit Authority
Recreation Advisory Commission
Durham Historic Preservation Committee
Human Relations Commission
Workforce Development Board
Durham Open Space and Trails Commission
Durham Youth Commission

b. *Additions to List*. Should the Mayor wish to make appointments to boards or commissions not listed above, the Mayor shall inform the City Clerk in writing. Boards and commissions may be added to the list above if they include more than one City Council appointee, and such appointments generally occur at least every two years.

c. *Process of Appointment and Reappointment.* The City Clerk shall inform the Mayor and the City Council of the expiration of the term of a current Mayor's appointee, and of the availability of a vacancy on a board or commission listed in 12(a) above on which a Mayor's appointee does not currently serve. The Mayor shall have 25 days from the date of the expiring term of the Mayor's appointee or of a new vacancy proposed to be filled

by a Mayor's appointee to nominate a person, either an incumbent or a new nominee, for consideration by the City Council for the position. The Mayor may decline at any time to make a nomination. If the Mayor does not make a nomination, or in the event the Council does not approve the nominee, applicants shall be sought using the Council's normal recruitment process.

d. *Length of Term and Term Limits*. The term of the Mayor's appointee shall correspond to the term established by law or ordinance, interlocal agreement, or other controlling authority for the board or commission. In addition, the number of consecutive terms which may be served by the Mayor's appointee shall be as otherwise provided for all appointees to the board or commission. If there are no limits established by law, ordinance, interlocal agreement, or other controlling authority, then, notwithstanding any limitation that may exist for Council appointees to boards and commissions, the Mayor's appointee may be nominated for, and reappointed for, an unlimited number of terms. If the Mayor's appointee for a particular board has exceeded two terms, the Council shall be informed of such at the time of voting on the appointment.

(*Note to Paragraph d: The following are the boards from the list in (a) above that, as of April 1, 2008 do not have limitations on number of terms that can be served:*

Convention and Visitors Bureau Board of Directors (2 year term)
Durham Housing Authority (5 year term)
Housing Appeals Board (3 year term)
Passenger Vehicles for Hire Commission (3 year term)
RDU Airport Authority (2 year term)
Human Relations Commission (3 year term)
Workforce Development Board (2 year term)
Durham Youth Commission (1 year term)

e. *Modification by City Clerk* The City Clerk, after consultation with the City Attorney, shall be authorized to administratively modify the lists in Paragraphs 12(a) and 12(d) above to reflect boards and commissions newly identified by the Mayor as additions to 12(a), and to reflect changes in law, ordinance, interlocal agreements, and other controlling authority that may alter the list in note 12(d) above. Notice of any such changes shall be given in writing to all Council members.

13. Citizens must serve one (1) full term before they are eligible to apply to any other board, committee or commission, except in unusual circumstances. Citizens must wait one(1) full term before reapplying to a board, committee or commission.

14. Appointments of citizens to advisory boards, committees and commission shall be representative of the race and sex of the population of Durham when possible.

15. Citizens may serve on only one board, committee or commission [as a City Council Appointee].

16. Citizens appointed should be residents of the City of Durham except for those committees where there is a county residency designation.

17. Applications for boards, committees and commissions, which have requirements for special areas of knowledge, should be considered in that light.

18. The City Clerk notifies appointees whose terms are expiring so that they may re-apply, if eligible and willing to serve.

19. The City Council expects all its appointees to boards, committees and commissions to attend all regularly scheduled board meetings.

20. Members of a board, committee or commission shall attend at least fifty percent (50%) of the meetings in a given 12-month period. It shall be the policy of the City Council to remove that appointee in the absence of his/her showing good cause, and to make another appointment. This paragraph shall not apply to members of the Human Relations Commission, who are subject to the attendance requirements of Section 34-108(e) of the City Code or boards, committees and commissions that have their attendance requirements addressed through by-laws or interlocal agreement.

21. The City Clerk shall inform all board, committee or commission appointees of this attendance policy.

22. When an attendance report submitted to Council shows that a member of a board has not complied with the attendance policy, the City Clerk shall notify the chair of the board in writing regarding the member's lack of attendance. Further, when the subsequent attendance report submitted to Council shows that same member of the board has not complied with the attendance policy, the City Clerk shall notify the board member in writing that such member has been removed from the board.

23. It is the City Council's policy not to appoint City employees to any Board, Committee, or Commission.

24. All Boards, Committees and Commissions will submit a written report (concise) in review of the 12 months to the Council in January of each year consisting of the following components:

    a) what was done that made a difference;
    b) the proposed plans and objectives for the upcoming 12-month period; and
    c) what type of resources (if any) may be needed in pursuing upcoming plans and goals, so that we are better able to anticipate future needs.
    d) Annual Attendance Report of attendees.

25. All Boards, Committees and Commissions will keep minutes of meetings and furnish to the City Clerk a copy of the approved minutes within 15 days after the next meeting of the body.

Revised by Council on November 2, 1998
Revised by Council on November 19, 2001
Revised by Council on November 4, 2002
Revised by Council on December 16, 2002

Revised by Council on March 3, 2003
Revised by Council on February 21, 2005
Revised by Council on April 21, 2008
Revised by Council on June 15, 2009
Revised by Council on March 19, 2012

Attachment B

MAYOR AND COUNCIL MEMBERS

TRAVEL AND MISCELLANEOUS EXPENSE POLICY

I. PURPOSE

The purpose of this policy is to establish procedures relating to travel and reimbursement of expenses of the Mayor and Council Members.

II. TRAVEL POLICY

The intent of the travel and expense allowance for City Council Members is to pay for expenses incurred for travel and publications, or attendance at events, which are designed to enhance the skills or knowledge of the elected official related to his or her office.

Expense allowances may not be used to:
attend events sponsored by local organizations (except those which qualify under the preceding sentence),
pay for memberships to local organizations or
donations to charitable organizations.

If a Council Member is in reasonable doubt about whether an anticipated expenditure is or is not appropriate under this policy, then the Council Member should present the matter to the City Council for resolution in a timely manner.

The City Council shall, upon adoption of the Annual Budget, set an expense allowance for each Council Member. The expense allowance shall cover travel expenses, workshops, subscriptions and memberships.

Upon agreement of both parties involved, and approval by the City Council, Council Members may transfer funds among themselves as long as expenditures from this fund do not exceed the budgeted amount.

Accommodations for individual(s) who have disabilities shall be included in making travel arrangements. Contact with the individual(s) to insure what accommodations are needed should be made before travel arrangements are finalized.

III. TRAVEL ADVANCE

Travel shall be described as one of two types:

OVERNIGHT TRAVEL - Any travel that requires an overnight stay.

NON-OVERNIGHT TRAVEL - Any travel that does not require an overnight stay and is outside the City and County of Durham.

A traveler may be given an advance for overnight travel only and it may include allowances for meals, air travel or personal auto mileage, lodging and registration fees.

The pink copy of the Travel Authorization Request form must be received in the Department of Finance, before a travel advance check is prepared.

All travel advance payments must be requested on Request for Check forms and must be received in the Department of Finance a minimum of five (5) work days prior to departure on overnight travel. Manual checks for travel advances will be issued after the approval of the City's Finance Officer.

A travel advance will not be issued for overnight travel for less than $25.00.

After the completion of the trip, all related expenses must be reported and accounted for in accordance with City policies within seven (7) calendar days to the Accounting Services Division of the Finance Department. Until such time as this is done, the traveler may not take additional trips to be funded by the City.

Neither a travel advance nor prepayment of travel expenses/expenditures will be made to a traveler who has not reconciled and settled prior travel.

IV. OVERNIGHT TRAVEL EXPENSES

1. Transportation

Reimbursement will only be paid for travel by the most direct route.

A traveler may elect to use his/her own air or ground vehicle in lieu of coach class air transportation or train. Reimbursement for use of a personal vehicle will be at the standard mileage rate allowed by the Internal Revenue Service per land mile but at no time shall the total reimbursement exceed the coach class air transportation fare available at the time the travel arrangements could reasonably have been made.

For air travel, it is the responsibility of the traveler to acquire the best rate available.

For travel by rail or bus, the amount reimbursed will not exceed the fare available at the time travel arrangements could reasonably have been made.

WHEN A TRAVELER CAN SHOW A NET SAVINGS ON AN AIRLINE TICKET BY EXTENDING TRAVEL OVER A SATURDAY, ETC., IT IS RECOMMENDED THAT THE TRAVELER TAKE ADVANTAGE OF THIS SAVINGS. THE ADDITIONAL HOTEL ROOM AND MEALS

COSTS SHOULD BE TAKEN INTO CONSIDERATION WHEN COMPUTING THIS NET SAVINGS.

The last copy of any commercial transportation ticket used by the Council member must be attached to the traveler's Travel Authorization form for documentation and/or reimbursement.
Bus, taxi, or subway fares in the destination city are additional allowable expenses. Receipts are not required for bus, taxi, or subway fares.

2. Lodging

The actual cost of lodging will be reimbursed when supported by a bill with itemized daily charges identified. This paid bill must be attached to the traveler's Travel Authorization form for reimbursement. If a traveler's spouse or other travel companion accompanies the traveler and is occupying a room with the employee, only the single room rate will be reimbursed. It is the responsibility of the traveler for documenting that the single and double rates were the same rate.

3. Meals

Expenses for meals will be reimbursed without receipts at the per diem rate established by the Internal Revenue Service.

Prorating of the per diem rate.
a) The full per diem rate is used for a complete 24-hour day of travel (i.e., 12:01 a.m. to 12 midnight) or for any day for which travel constitutes more than 75% of the 24 hour period.

b) Any travel that constitutes less than 75% of the 24-hour day is considered a partial day. For example, departure after 6:00 am or return before 6:00 pm would be considered a partial day. A partial day will be subject to 75% reimbursement. Time and date of departure and return must be completed on the Travel Authorization Form. Per diem allowance will be determined by Department of Finance personnel.

Travelers may elect to obtain paid meal receipts while on either overnight, or non-overnight travel. A maximum of $45.00 per day will be reimbursed for meals when substantiated by a meal(s) receipt(s)

For Sister Cities trips, the $45.00 per day maximum reimbursement for meals shall be adjusted by factors such as the applicable currency exchange rate or cost of living to reflect the equivalent cost of meals in the Sister City being visited. The City Administration shall perform this calculation prior to the Sister City trip.

Additional costs of workshop/seminar banquets/dinners will be reimbursed when substantiated by the workshop/seminar agenda as meals covered by paid receipts.

During the period of travel, a mixture of STANDARD DAILY MEAL ALLOWANCE and meals covered by paid receipts may be submitted, but during any twenty-four hour period only one method may be used.

Tips on meals will be reimbursed up to 15% of the amounts shown on paid meal receipts.

4. Registration Fees

Fees may be paid in advance by the City. A Request for Check form, with an attached registration form and workshop/seminar agenda, is required for making an advance payment. Paid receipts are required when registration fees are not paid in advance by the City.

5. Miscellaneous fees, charges and expenses

Parking fees will be reimbursed when documented with paid receipts.

A daily telephone charge made by a hotel/motel will be reimbursed when this charge is shown daily on a paid receipt. Only calls made on city business will be reimbursed. Personal calls will not be reimbursed.

Baggage handling tips/charges will be allowed on the traveler's beginning and ending travel dates only. An amount up to $3.00 per travel beginning and ending day will be reimbursed to the traveler for tips of this nature. Only with receipt meals this is included in per diem reimbursement.

Maid service tips will not be reimbursed.
Receipts for alcoholic beverages will not be reimbursed.

6. The City will not pay or reimburse a traveler for the transportation, lodging, meal or other expenses of a traveler's family or other traveling companion(s) except as required to accommodate the needs of a disabled traveler.

V. NON OVERNIGHT TRAVEL EXPENSES

1. Transportation

Reimbursement for use of personal vehicle will be at the standard mileage rate allowed by the Internal Revenue Service.

Reimbursement for commercial transportation will be paid at a rate equal to the lowest fare available when travel arrangements could reasonably have been made.

A paid receipt is required for the reimbursement of parking or other transportation fees

2. Meals

The City of Durham Travel Authorization Form is not required prior to this travel, but must be used if reimbursement for meals is requested. Meals are limited to $25 per day. The rate includes tax and tip. Receipts are required.

Reimbursement for non-overnight meals is taxable income and will be included in year end wage and tax statements.
THE COST OF WORKSHOP/SEMINAR BANQUETS/DINNERS WILL BE REIMBURSED WHEN SUBSTANTIATED BY THE WORKSHOP/SEMINAR AGENDA.

3. Registration Fees

Fees may be paid in advance by the City. A Request for Check form, with an attached registration form and workshop/seminar agenda, is required for making an advance payment. Paid receipts are required when registration fees are not paid in advance by the City.

REIMBURSEMENTS AND ALLOWANCES MADE OUTSIDE OF THE INTERNAL REVENUE SERVICE'S REGULATIONS WILL BE INCLUDED AS INCOME ON THE EMPLOYEE'S W-2 ANNUAL INCOME TAX FORM.

ADOPTED BY COUNCIL ON SEPTEMBER 16, 1991
REVISED BY COUNCIL ON SEPTEMBER 18, 1995
REVISED BY COUNCIL ON NOVEMBER 2, 1998
REVISED BY COUNCIL ON MARCH 20, 2000
REVISED BY COUNCIL ON MAY 7, 2001
REVISED BY COUNCIL ON DECEMBER 3, 2001

MAYOR AND COUNCIL MEMBERS

Reporting of Council Use of Funds

Purpose
The purpose of this policy is to provide a policy for the reporting of City funds advanced for travel or other expenses for Mayor and City Council members.

Policy
Section 1 When City's funds are advanced for a specific purpose and in accordance with a City policy, reconciliation must be made within the required time stated in the policy. If a full and completed reconciliation is not completed in accordance with the terms of the advance the Department of Finance will report to the individuals monthly for any funds due to the City of Durham.

Section 2 If Mayor or Council Member owe the City for other expenses, the City Manager will report to the Council member the amount that is outstanding by the 25th of the following month.

APPROVED: MAY 7, 2001

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Approved: November 2, 1998

Attachment C

Sister Cities Policy Statement:

The purpose of Sister Cities trips is to broaden the understanding of city officials concerning the differences in cultures and governing organizations, to expose Council members to other ideas, points of views and various experiences not easily obtained through other means, and to encourage ties that will lead to mutual economic benefits.

(The following information was prepared by Council Member Paul Miller, presented to the Procedures Committee on August 18, 1998, and adopted by City Council on November 2, 1998)

This attachment is designated to establish special policy requirements specifically for Sister City travel by members of the City Council. The guidelines set forth in this policy are a reflection of the memorandum from Mayor Wib Gulley on March 31, 1989.

Purpose of the Sister City Policy:

1. To encourage each member of City Council to be an active participant in the Sister City Program, and

2. To establish the framework, which would allow equal access by each member of the City council wishing to participate in the Sister City Program.

The guidelines are as follows:

1. Any Council Member who chooses to make a visit to a Sister City must agree to undertake the responsibilities necessary to make the public investment justifiable. By this, before any visit, each Council Member should spend time preparing by studying the culture and language of the Sister City, should work closely with the Sister City Committee on plans and arrangements for the visit, should spend the time of the visit in useful and productive ways considering the purpose of the journey, and finally, should be committed to spending a lot of time after the visit meeting and sharing the insights of the experience and working to build stronger bonds between Durham and the Sister City. This means hours of serious work beyond Council duties including:

a) study the City's history, culture, customs and language;

b) study and learn the governmental structure of that City, the names and titles of its

major elected and appointed officials and gather information about the major concerns and challenges facing the Sister City's government;

c) become an active member of the local Sister City Committee which is responsible for our joint efforts with that particular City and take an active role following a visit to the Sister City in sharing information and experiences at community and governmental forms; and

d) be available to help host visiting delegations from that City.

2. Each Council Member shall be able to make one "official" visit to a Sister City every three (3) years with the financial support of City government, and this would be considered a major part of our investment in the Sister Cities Program. At his or her own personal expense, each Council Member could make additional visit, if they desire.

3. That Section IV. (4) of the Travel Policy be amended to add the following provision: "For Sister Cities trips, the $45.00 per day maximum reimbursement for meals shall be adjusted by factors such as the applicable currency exchange rate or cost of living to reflect the equivalent cost of meals in the Sister City being visited. The city administration shall perform this calculation prior to the Sister City trip."

4. No more than four (4) City Council Members should go on any one "official" visit to a Sister City during a three-year period.

5. If there are more than four (4) Council Members who would like to be a part of the official visit to a particular Sister City, then the selection of Council Members should be made on the basis of seniority or total length of service on the City Council.

The following are additional items not included in Wib Gulley's memo of March 31, 1989:

6. No Council Member shall visit a Sister City during the annual budget hearings of the City Council or annual budget meetings of the Council work session.

7. Council Members wishing to visit a Sister City more than once in three (3) years at the expense of the City (the Council Member's travel budget), must get the approval of the City Council first.

Approved by Council on April 24, 1989

CITY OF DURHAM
NORTH CAROLINA

CITY OF MEDICINE

THE MAYOR
101 CITY HALL PLAZA
DURHAM, NORTH CAROLINA
27701

March 31, 1989

Memo To: City Council Members

From: Mayor Wib Gulley WPG/by

Subject: Sister Cities Policy for City of Durham

As you know, for over two years a number of Durham citizens have been working to develop a Sister Cities program for our community. In the last several months, sister city relationships have been firmed up for Toyama, Japan and Kostroma, USSR. There has been an established but somewhat less active relationship as well with the city of Durham, England. Finally, I was told recently that the city of Arusha, Tanzania received an inquiry from the Sister Cities Africa Committee earlier this year and responded by voting to establish a sister city tie with Durham.

I know that all of you are aware of these developments, because the City Council has passed resolutions or agreements regarding sister cities at various points along the way.

Some specific questions about how the City is involved in sister city relationships have crystallized recently with the request from Toyama, Japan that a delegation including City Council members visit their town in June for the formalization of our sister city ties. Toyama indicated that they would like the Mayor and up to four Council members to visit them on this occasion. One question that naturally arises is who from the Council should go.

This question did not get any easier to answer by asking who on the Council would like to go. By my count, eight or nine members of the Council said they would want to go. The dilemma, then, is trying to fashion a decision as to who should go.

I have given this question a great deal of thought over the last two months, and I want to try to propose an answer. First, however, I want to emphasize that the decision here is one that the Council should, must and will make. All of you have the shared responsibility on this one.

Attachment C
(Continued)

By way of setting a context for resolving this question, I would ask that we all consider the following:

1. We should all see the matter as one of setting a policy for Council visitation with sister cities that will be a sound policy for this year, for next year, and for years to come. We are the first Council to address this issue, but we should be fashioning a policy that will take care of these matters for many years, if possible.

2. Secondly, I would want to suggest that the context is not one visit to Toyama, Japan. Rather, I think a visit to Toyama, Japan is the first sister cities visit, but it seems clear that a visit by some Council members to Arusha, Tanzania would be necessary in 1990 to sign formally the Sister City. Agreement and kick off the tie between our communities. A formal visit by some Council members to Kostroina, USSR would also appear to be necessary in the next year and a half, because an official return visit (after they visit us sometime in the next six to nine months) would be expected and natural.

I am told that the Durham, England Committee is working and that an official visit by city officials would also be in order in the next several years. And I would urge us to see that the Toyarna visit is not the only visit possible to that city over the next several years.

Overall, it seems likely that we as a Council will average about one sister city visit per year for the next three to four years at a minimum. This fact also seems important in deciding what our policy should be.

3. Any Council member who chooses to make a visit to a sister city must agree to undertake the responsibilities necessary to make the public investment justifiable. By this, I mean that before the visit each Council member should spend time preparing by studying the culture and language of the sister city, should work closely with the Sister City Committee on plans and arrangements for the visit, should spend the time of the visit in useful and productive ways considering the purpose of the journey, and finally should be committed to spending a lot of time after the visit meeting and sharing the insights of the experience and working to build stronger bonds between Durham and the sister city. This means hours of serious work beyond Council duties.

With the above in mind, we must decide what our policy for Council participation in sister city visits will be. We could, of course, simply let everyone on the Council who wants to go on any visit go. I would find this approach difficult to justify to myself or the public as a fiscally responsible answer. I do not think the public would stand for this; and I could not support it.

If we are then to limit who goes from Council, how should it be done? The best answer I have at this time, and my proposal, is this:

Attachment D

PART I CHARTER*
CHAPTER III. MAYOR AND COUNCIL

Sec. 13. (Repealed by Laws 1979, Ch. 852, § 1)

Sec. 13.1. Council to judge elections.

The city council shall be the judge of the election and qualifications of its members. (Laws 1979, Ch. 852, § 2)

Sec. 13.2. Vacancies in office of mayor or member of city council.

(a) For the purpose of this section, the word "vacancy" also includes a refusal or failure to qualify for office.

(b) If a vacancy occurs in the office of mayor, the city council shall, except as provided in subsection (d) of this section, within sixty (60) days of the vacancy, choose some qualified person for mayor for the unexpired portion of the term.

(c) If a vacancy occurs in the office of council member, the city council shall, except as provided in subsection (d) of this section, within sixty (60) days of the vacancy, choose some qualified person to fill the place of such council member for the remainder of the unexpired term.

If the vacancy to be filled occurs in a seat occupied by a council member elected from a ward, then such person chosen to fill such vacancy shall reside in the ward from which the council member whose place is to be filled was nominated.

(d) If the council fails to choose some qualified person within sixty (60) days after the vacancy occurs, it may not fill the vacancy by appointment, but shall call a special election under the provisions of section 13.3 of this charter, provided that if the vacancy occurs after the first day of June in the year in which the term is to expire, the council need not call a special election. (Laws 1979, Ch. 852, § 2)

Sec. 13.3. Special election to fill vacancies.

(a) If the city council is required to call a special election under the provisions of section 13.2 of this charter, it shall follow the procedures of this section.

(b) The special election shall be called and conducted in accordance with G.S. 163-287, except as otherwise provided in this section.
(c) The council shall within seven (7) days of the expiration of the sixty (60) day period provided in section 13.2(d) of this charter adopt a resolution calling a special election. Such special election may be held on the same date as any county or State or municipal primary, or general election, referendum or special election, but may not otherwise be held within the period beginning thirty (30) days before and ending thirty (30) days after the date of any such election, primary, special election, or referendum.

(d) If the city council calls a special election to be held at the time of the regularly scheduled elections for municipal officials, the special election shall be conducted according to the rules, regulations and procedures established for such regular elections by Subchapter IX of Chapter 163 of the General Statutes of North Carolina. The election shall be conducted according to the nonpartisan primary and election method. If the city council elects to change the method of determining the results of the regular municipal elections, the special election shall be conducted according to the method chosen by the city council.

(e) If the city council calls for a special election to be held at any time other than the time of the regularly scheduled elections for municipal officials, the election shall be conducted according to the rules, regulations and procedures established for special elections by G.S. 163-287 and by the remainder of Chapter 163 of the General Statutes of North Carolina, as modified by the following provisions:

(1) The election shall be conducted and the results of the election determined in accordance with the nonpartisan plurality method of election set out in G.S. 163-292.

(2) Candidates may file their notices of candidacy during the time prescribed by G.S. 163-294.2.

(3) The filing fee in the special election shall be the same as that most recently fixed by the city council pursuant to G.S. 163-294.2(e) for the regularly scheduled election for municipal officials.

(Laws 1979, Ch. 852, § 2)

Sec. 14. Double office holding.

No person elected to the city council, whether he qualify [qualifies] or not, shall, during the term for which he was elected, be elected or appointed to any other position, or office of trust or profit, under the city government. However, when a vacancy exists or shall occur in the office of mayor, a council member shall not be debarred from election as mayor for the existing term or unexpired part of the term.

Sec. 15. Removal of elective officers from office.

(1) Absence from five (5) consecutive regular meetings shall operate to vacate the seat of a council member, unless the absence is excused by the council by resolution setting forth the reason therefor, and such resolution shall be entered upon the minutes.

(2) The city council by a vote of four (4) of its members, in meeting assembled, shall have power to remove from office the mayor or any council member for misfeasance, malfeasance, corruption, neglect of duty or other misconduct in office, but the person to be proceeded against shall have at least ten (10) days' notice in writing of the motion to remove him, accompanied by a copy of the charges alleged as the grounds for his proposed removal. He shall have the right to be heard in person or by counsel in his defense. In case of the removal of the mayor, or any council member, the vacancy shall be filled by the city council or the remaining members thereof.

(3) The mayor or any member of the city council may also be removed from office in the following manner:

> (a) Any elector of the city may make and file with the Supervisor of Election of the Board of Elections of Durham County an affidavit containing the name of the City officer whose removal is sought and a statement of the grounds alleged for his removal. The said supervisor of elections shall thereupon deliver to the elector making such affidavit copies of petition blanks for demanding such a removal, printed forms of which the supervisor of elections shall keep on hand. Such blanks shall be issued by the supervisor of elections with his or her signature thereto attached and shall be dated and addressed to the Board of Elections of Durham County, indicate the person to whom issued, and state the name of the officer whose removal is sought. A copy of the petition shall be promptly delivered to the city clerk who shall enter the copy of the petition in a record book kept for that purpose in the office of the clerk. A recall petition to be effective must be returned and filed with the supervisor of elections within thirty (30) days after the filing of the affidavit, and to be sufficient must bear the signature of registered voters of the city equal in number to twenty-five (25) per cent of the registered voters of the city as shown by the registration records of the last preceding general municipal election.
>
> (a1) It shall be the duty of the Board of Elections of Durham County to investigate the sufficiency of any such petition and to certify the results of such investigation to the city council. The board of elections may employ such persons as it deems necessary to undertake such investigation and the reasonable cost of such investigation shall be reimbursed to the board of elections by the city. The board of elections may adopt such rules and regulations as it deems necessary or advisable concerning the validation of signatures appearing on the recall petition, and such rules and regulations shall be available for public inspection consistent with Chapter 132 of the General Statutes.

(b) If a recall petition shall be certified by the board of elections to be sufficient, the board shall at once submit it to the council with its certificate to that effect and shall notify the officer whose removal is sought of such action. If the officer whose removal is sought does not resign within five (5) days after such notice the council shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than fifty (50) nor more than seventy (70) days after the petition has been certified to the council, and it may be held at the same time as any other general or special election within such period; but if no other election is to be held within such period the council shall call a special recall election to be held within the time aforesaid, provided however, if the provisions of general law prohibit the holding of special elections during the time aforesaid, and no general or special election is otherwise scheduled during said period of time, then the council shall call said special recall election for some date within ten (10) days after the last day of said period of time during which special elections are prohibited by general law.

(c) The question of recalling any number of officers may be submitted at the same election but, as to each such officer, a separate petition shall be filed and there shall be an entirely separate ballot.

(d) The ballots used in a recall election shall submit the following propositions in the order indicated:

[] For the recall of (name of officer).
[] Against the recall of (name of officer).

Except that the spaces left for the name and date shall be filled by the correct names and date, the ballots used in a recall election shall be in form substantially as follows:

RECALL ELECTION

City of Durham

_____ (month and day of month) _____ 20_____.
For the recall of _____

Against the recall of_____

(e) If a majority of the votes cast on the question of recalling an officer be against his recall he shall continue in office for the remainder of the unexpired term, but subject to the recall as before. If a majority of such votes be for the recall of the officer designated on the ballot he shall, regardless of any defects in the recall petition, be deemed removed from office.

(f) If an officer in regard to whom a sufficient recall petition is submitted to the board of elections shall resign before the election, or be removed as a result thereof, the vacancy so caused shall be filled in the manner provided by this charter for filling vacancies in such office, except as provided in section 15(3)(h). But an officer removed by the voters as the result of a recall election, or resigning after a sufficient petition for his recall has been submitted to the board of elections shall not be reelected to fill the vacancy caused by his own removal or resignation.

(g) No recall petition shall be filed against an officer within three (3) months after he takes office, nor, in case of an officer subjected to a recall election and not removed thereby, until at least six (6) months after that election.

(h) If the recall of a majority of the members of the city council, including the mayor as one of the members, shall be effected at a single recall election, the successors of the officers recalled shall be elected by the registered, qualified voters of the city at a special municipal election, and said successors shall serve for the unexpired part of the terms of the officers recalled. The members of the city council who have not been recalled are empowered to call said special election and to make all necessary provisions regarding the same in conformity to the constitution and general laws of North Carolina. If the recall of all of the members of the city council, including the mayor, shall be effected at a single recall election, they shall be continued in office for the purpose, and only for the purpose, of calling a special municipal election for the election of their successors as above provided, and of ascertaining and declaring the result thereof.
(Laws 1987, Ch. 280, §§ 1--4; Ord. No. 12281, § 5, 5-7-01)

CHAPTER IV. ORGANIZATION AND ADMINISTRATION

ARTICLE 1. APPOINTIVE OFFICES

Sec. 16. City manager.

A city manager shall be chosen to be the administrative head of the municipal government. He shall be chosen by the council without regard to his political beliefs, and solely upon the basis of his training, and executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. The city manager shall receive such compensation as shall be provided by the council by ordinance. He shall give such bond as may be required by the city council. He shall be appointed for an indefinite period, and shall serve at the will of the council; provided, however, that he may not be removed within twelve (12) months from the date on which he assumed his duties, except for incompetence, malfeasance, misfeasance, or neglect of duty. In case of his removal within this period, he may demand written charges and a public hearing thereon before the council prior to the date on which his final removal shall take effect; but the decision and action of the council on such hearing shall be final, and pending such

hearing the council may suspend him from duty. During the absence or disability of the city manager, or while the office is not filled, the council shall designate some properly qualified person to perform his duties.

Sec. 17. Powers and duties of the city manager.

(a) The city manager shall be responsible to the city council for the efficient administration of all the affairs of the city under his direction and control. It shall be his duty to attend all meetings of the city council, with the right to take part in the discussion, but without a vote. He shall be entitled to notice of all special meetings. He shall recommend to the city council from time to time such measures as he shall deem necessary, and shall furnish the city council with necessary information respecting any of the departments of the city under his direction and control. The city manager shall not be personally interested in any contract in which the city is a party for supplying the city materials of any kind. The city manager shall have power, and it shall be his duty, to see that the laws and ordinances of the city are enforced. He shall have power and authority to revoke licenses, pending action by the city council.

(b) Except as otherwise provided in this charter, the city manager shall have power to appoint and remove all heads of departments and all subordinate officers and employees of the city. He shall, except when clearly inconsistent with the provisions of this charter, exercise supervision and control over all departments and divisions created herein, or that hereafter may be created by the city council. He shall see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof, he shall call the attention of the city council and the city attorney to the same. He shall make and execute all contracts on behalf of the city in such manner as is authorized or provided by resolutions or ordinances passed by the city council. The city council may on such terms as it deems proper, allow the city manager to authorize one or more assistant city managers and deputy city managers to make and execute such contracts. He shall prepare and submit to the city council a proposed annual budget, after receiving estimates made by the heads or directors of departments or by any board officer, or commissioner not within a department. He shall keep the city council at all times advised as to the financial needs and condition of the city. He shall from time to time make oral and written reports to the city council of the condition and efficiency of the various departments of the city government under his direction and control. The council may in its discretion cause such written reports to be published for the information of citizens. The city manager shall perform such other duties as may be prescribed by this charter, or be required of him by ordinance or resolution of the city council.

(c) The city manager shall not engage in political campaigns for elective office, nor attempt to influence the result of such campaigns, except by exercising his right to vote. Improper campaign activity as described herein by the city manager shall be a cause for his immediate suspension or removal from office.

(d) The city council may delegate authority to the city manager to purchase real property or any interest in real property, provided:

(1) The money for the purchase of such real property or interest in real property is available in the then current budget; and

(2) The city manager, within forty-five (45) days following the purchase, shall submit to the city council a written report setting forth the names of the persons from whom such property or property interest is purchased, a general description of the property or interest in property acquired, the purchase price paid therefor, and the intended use of the property or interest in property.

(e) The city council may authorize the city manager to make, approve, award, and execute any contract for the purchase of apparatus, supplies, materials, or equipment and any contract for construction or repair work provided:

(1) The amount of the contract shall not exceed one hundred thousand dollars ($100,000.00);

(2) The city manager shall, within (45) days of the award of such contract, report such award to the city council, provided however, contracts in an amount less than an amount prescribed by the city council need not be reported;

(3) The city manager shall comply with all applicable provisions of Article 8 of Chapter 143 of the General Statutes, and of section 84 of this charter. The city manager may take any action that the city council is required or authorized to take under Article 8 of Chapter 143 of the General Statutes in making, approving, awarding, or executing such contracts.

(Laws 1979, 2nd session, Ch. 1249, § 1; Laws 1981, Ch. 694, § 1;
Laws 1983, Ch. 458, § 1; Laws 1991, Ch. 532, § 2, Ch. 617, § 1;
Laws 1993, Ch. 121, § 1; S.L. 1999-36)

Sec. 18. Relations between the city council and the city manager.

Except for the purpose of inquiry, the council and its members shall deal with the administrative service of the city solely through the city manager hereinafter provided for, unless otherwise provided in this charter. No member of the council shall give orders to any of the subordinates of the city manager either publicly or privately. Where this charter gives to the city manager the power to appoint or to employ persons in the administrative service of the city, neither the council nor any of its members shall dictate the appointment or employment of any such person or persons, but the city manager shall be left free to exercise his own judgment in appointing or employing such person or persons.