

**Ordinance Amending Articles I, II, III and IV of Chapter 2 Entitled “Administration”
Updated: December 9, 2024**

Chapter	Existing Language	Proposed Changes
Chapter 2, Section 2-2 Purchasing.	<p>Section 2-2 (c) currently allows the city manager, consistent with G.S. 106A-266, to surplus personal property of the city valued at less than \$30,000 for any one item or group of items.</p> <p>Personal property includes items like vehicles, and equipment. It does not include real property.</p>	<p>The proposed changes will simply include in the ordinance the procedural steps, set forth in G.S. 160A-266, necessary to carry out this authority, which requires or authorizes the city manager to:</p> <ul style="list-style-type: none"> • Seek to secure the fair market value for all property disposed of and to accomplish the disposal efficiently and economically. • Convey title to the property being disposed of in accordance with the authority granted. • Keep a record of all property sold which includes the name of the buyer and the amount of consideration.
Chapter 2, Section 2-33.1 Remote Participation in Meetings.	<p>Section 2-33.1 allows individual council members to participate remotely in committee meetings and council meetings provided quorum of city council or council committee is present at the actual meeting place. The reasons that a council member may participate remote include the following:</p>	<p>The proposed changes will:</p> <ul style="list-style-type: none"> • prohibit council members from voting remotely at the city council level based upon a recommendation from the UNC School of Government following a case out of Anson County. Council members will still be allowed to vote remotely at committee meetings.

	<ul style="list-style-type: none"> • A personal illness or disability that does not impact the ability of the member to participate remotely. • A family or other personal emergency. • Other scheduling conflicts that make in-person attendance impracticable, or • The declaration of a national, state, or local emergency covering the city. In this last situation, if covered by G.S. 166-19.24 if is possible that the entire body may participate remotely.) 	<ul style="list-style-type: none"> • Briefly, Sheriff Reid passed away in September 2022 and the Anson County Commissioners appointed Deputy Chief Scott Howell to fulfill the balance of Reid’s term. Reid’s name remained on the ballot, and he was selected for another term. • On December 1, 2022, the County Commissioners convened a special meeting, without any action being taken. • On December 3, 2022, the Democratic Party met and selected Gerald Scott as its nominee for Sheriff and recommended said person to the County Commissioners. • On December 5, 2022, the County Commissioners called an “emergency meeting”. Note: There was not state of emergency in existence at that time. • Of the seven-member board, only 2 were present at the actual meeting place and 3 members participated remotely. While a majority of the Board participated, a majority did not convene at the meeting place.
	<p>Currently council members are allowed to vote remotely at both the committee level and council level as well.</p> <p>Members of appointed bodies can continue to vote remotely. The authority for said appointed bodies to meet as a body remotely and vote remotely is clearer that that for governing bodies.</p>	<ul style="list-style-type: none"> • This body appears to have voted for Gerald Scott to fill the seat. However, the attorney for the board advised that there was no emergency, and the appointment was invalid for many reasons. The attorney advised that Howell was still Sheriff. Gerald Scott filed a lawsuit requesting that the trial court declare him Sheriff and prohibit the County Commissioners from preventing him from taking office. • The County Commissioners met again, in-person, on December 6, 2022, which was the Board’s regular meeting and voted to appoint Howell, over Scott, as Sheriff.

		<ul style="list-style-type: none"> • Scott amended his lawsuit to include the Board’s most recent action. There were some additional procedural steps taken that I will not address here. • Essentially, the trial court denied Scott’s request and Howell was sworn in as Sheriff. • The NC Court of Appeals found that: • There was no basis for the emergency meeting so the meeting on December 5th was invalid for that reason and the fact that the Board did not have a quorum at the actual meeting place. Basically, the trial court’s decision was affirmed.
<p>Chapter 2, Section 2-67. Attendance policy for city boards, committees, and commissions.</p>	<p>The attendance policy applies to city appointed members of boards, committees, and commissions.</p> <p>The policy current allows for 3 excused absences for:</p> <ul style="list-style-type: none"> • Illness or medical-related absences. • Funerals and/or bereavement. • The birth or adoption of a board member’s child for 90 days after the birth or adoption. <p>Notices of such are currently sent to the mayor’s office, clerk’s office, and the board’s staff advisor.</p> <p>Excused absences count towards the attendance policy.</p>	<p>The proposed changes will:</p> <ul style="list-style-type: none"> • Allow additional reasons for an excused absence: Professional, work-related, or family activities. • Direct notices to be sent to the staff advisor to the board, committee, or commission and the chair of said body. • Make it clearer that excused absences will count favorably towards meeting the attendance requirements. <p>For Example: If a member has three excused absences for the year and no additional absences, then said member will be noted, for tracking and compliance with the attendance policy, as having attended 100% of the meetings. However, the 4th missed meeting regardless of the reason will count</p>

	<p>Currently, members need to attend at least 65% of the meetings to avoid removal and 75% of the meetings to be reappointed. Excused absences count towards meeting the required percentages.</p>	<p>against the member in terms of compliance with the attendance policy.</p>
<p>Chapter 2, Section 2-313. Residency Requirements.</p>	<p>The current residency requirement as it relates to the city manager and city attorney requires both to move into the city limits within 180 days of appointment.</p>	<p>The proposed change will:</p> <ul style="list-style-type: none"> • Allow city council for a successful internal candidate for the position of city attorney or city manager to extend that time period up to three years.