

TITLE III: ADMINISTRATION

Chapter

- 30. OFFICERS AND EMPLOYEES**
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CHAPTER 30: OFFICERS AND EMPLOYEES

Section

General Provisions

- 30.01 Chain of command for emergency management
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- 30.03 Absentee voting for elections
- 30.04 Claims, civil judgments against officers or employees

Organizations

- 30.15 Youth Council Committee
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GENERAL PROVISIONS

§ 30.01 CHAIN OF COMMAND FOR EMERGENCY MANAGEMENT.

The village establishes the following clear line of succession on who can declare a state of emergency and carry out appropriate provisions of state general statutes, as well as local ordinances in the case of, and relating to, emergencies:

- (A) Mayor;
- (B) Mayor Pro Tem; and
- (C) Council members in order alphabetically by last name.

(Res. 2007-24, passed 12-10-2007)

§ 30.02 RETIREMENT SYSTEM.

(A) The village hereby elects to participate its employees in the state’s Local Governmental Employees’ Retirement System.

(B) The village hereby agrees to comply with all provisions of the state's Local Governmental Employees' Retirement System, as defined in G.S. Ch. 128, Art. 3, as amended by the 1945 General Assembly.

(C) The village is hereby ordered and directed to make application to the Board of Trustees of the state's Local Governmental Employees' Retirement System for enrollment of this unit and its employees in said system.

(Res. 2006-15, passed 7-10-2006)

§ 30.03 ABSENTEE VOTING FOR ELECTIONS.

The Village Council desires to permit absentee voting for elections for its municipality. The Village Council desires to have this section to be withstanding for all elections held in the future.

(Res. R-1999-06, passed 4-12-1999)

§ 30.04 CLAIMS, CIVIL JUDGMENTS AGAINST OFFICERS OR EMPLOYEES.

(A) It shall be the policy of the village of judgments, deductibles on insurance policies and other related costs on behalf of its officers and employees against civil claims or judgments, and to satisfy same either through the purchase of insurance or otherwise; provided, adoption of this section shall not be deemed an assumption of liability for payment of claims or judgments in excess of any fund established by Council for payment of claims or judgments in addition to any insurance coverage or any combination of such a fund and insurance coverage. Further, the village will not defend a claim or lawsuit or pay a claim or judgment when the officer or employee willfully:

(1) Acts or fails to act because of actual fraud, corruption or actual malice;

(2) Acts or fails to act as a result of, or at a time when, his or her self-indulgence substantially impaired his or her judgment (as, for example, an officer or employee who causes damage or injury while intoxicated or under the influence of drugs while on the job);

(3) Acts or fails to act, except in emergencies or the existence of extenuating circumstances, directly contrary to the advice of the Village Attorney; and/or

(4) Acts or fails to act in such manner as to constitute a criminal act (as, for example, misappropriation of property or funds).

(B) The Village Attorney or his or her designee shall determine whether or not a claim or suit filed against an officer or employee meets the requirements specified herein for providing a defense for such officer or employee. If the Village Attorney or his or her designee determines that a claim or suit does

not meet the requirements specified herein, the affected officer or employee may appeal said determination to the Village Council. The Village Council shall afford the officer or employee a hearing on the matter and shall decide whether or not the claim or suit meets the requirements of this section.

(C) The terms *OFFICER* and *EMPLOYEE*, as used herein, shall mean present or past Mayors and members of the Council, officers, employees or volunteers and present or past appointed members of village boards, agencies, committees and commissions who might hereafter have claims or judgments entered against them.

(D) The policies specified herein shall not be applicable unless notice of the claim or suit is given to the Village Council through the Village Attorney prior to the time the claim is settled or civil suit is litigated and judgment is entered.

(E) This section shall not be interpreted in any way to relieve any insurance company of its obligation under any insurance policy to protect the interests of any insured under said policy, or to reduce or eliminate the rights of any officer or employee of the village against any other party. Further, except as expressly stated herein, this section is not to be interpreted as a waiver of any rights the village has against any party, nor shall the adoption of this section be construed to waive the defense of governmental immunity.

(Res. R-1998-09, passed - -1998)

ORGANIZATIONS

§ 30.15 YOUTH COUNCIL COMMITTEE.

The village hereby establishes a Youth Council Committee, under the guidance of the Village Council, with members from local high schools and/or home schooled youth who are residents of the village to hold terms of one to two years; activities will include service projects and/or youth events in the Wesley Chapel/Weddington/Union County area. Members are to attend regular Youth Council Committee meetings and are encouraged to attend Village Council meetings. A majority of Youth Council Committee members may request an opportunity to address the Village Council at a regularly scheduled Village Council meeting and Village Council will place the Youth Council Committee on the agenda no later than the second regularly scheduled Village Council meeting from such request.

(Res. 2011-07, passed 10-10-2011)

§ 30.16 OTHER VILLAGE ORGANIZATIONS.

The village has three other organizations:

- (A) Park and Rec Committee;
- (B) Safety Committee; and
- (C) Communications Committee.

CHAPTER 31: FINANCE AND TAXATION

Section

General Provisions

- 31.01 Investments
- 31.02 Signatories for financial institutions
- 31.03 Depository

GENERAL PROVISIONS

§ 31.01 INVESTMENTS.

(A) The Finance Officer is hereby authorized and directed to stay informed of any changes in methods of collateralization of public deposits by Fifth Third Bank and Branch Banking and Trust Bank, and the Local Government Commission’s certification of the state’s Capital Management Trust Governmental Portfolio.

(B) Investments may be in the form of savings certificates of deposit, Public Fund Money Rate Savings Accounts or Public Fund Maxsaver Accounts at Fifth Third Bank and Branch Banking and Trust, and in the form of an account at the state’s Capital Management Trust Governmental Portfolio. (Res. 2017-05, passed 3-13-2017)

§ 31.02 SIGNATORIES FOR FINANCIAL INSTITUTIONS.

The Finance Officer, Mayor and Mayor Pro Tem shall be designated as authorized signers on signature cards for all village bank accounts. (Res. 2015-08, passed 12-14-2015)

§ 31.03 DEPOSITORY.

(A) Fifth Third Bank (hereafter the “official depository”) is hereby designated as an official depository of the village. The Finance Officer of the village shall be and is hereby authorized and

directed to deposit funds of the village in the official depository in the name and to the credit of the village.

(B) (1) As required by G.S. § 159-25(b), all checks, drafts or orders of the village drawn against said funds shall be authorized and signed as appropriate by one of the following (hereinafter the “authorized signers”) officers: Finance Officer or Mayor or Mayor Pro Tem, and countersigned (when the payment amount exceeds \$500) by a second of the authorized signers.

(2) The names and signatures of the authorized signers shall be duly certified by the Clerk to the Village Council to the official depository as from time to time may be necessary and no check, draft or order drawn against the official depository shall be valid unless so signed or authorized.

(C) Upon opening an account with the official depository, the Finance Officer must:

(1) Give written instructions that the proceeds from all checks payable to the order of the village shall be deposited to the credit of the village and that under no circumstance may such an item be converted into cash;

(2) Verify the method currently used by the depository to collateralize the public deposits and stay informed of any change in methods as the result of conversions to a different method or as the result of merger of depositories;

(3) Notify the depository at the time a new deposit account is opened or a certificate of deposit is purchased that the account is a public deposit account subject to the collateralization requirements;

(4) File a “notification of public deposit” (Form COLL-91) with each depository and provide a copy to the State Treasurer as of June 30 of each year;

(5) Execute such other forms and documentation with provisions consistent with this section as may be reasonably required by the official depository to establish the account;

(6) Report the amount of deposits and investments and such other information as may be required on the semi-annual reports on Form LGC 203 required to be filed with the Local Government Commission pursuant to G.S. § 159-33; and

(7) Comply with other requirements of law, regulation or sound banking practice and with any requirements described in the State Treasurer’s publication, *The Collateralization of Public Deposits in North Carolina*.

(Res. 2017-04, passed - -2017)

CHAPTER 32: GENERAL VILLAGE POLICIES

Section

- 32.01 County Hazard Mitigation Plan adopted
- 32.02 Tobacco products on village property
- 32.03 Minority business outreach
- 32.04 Session minutes; sealing and unsealing

- 32.99 Penalty

§ 32.01 COUNTY HAZARD MITIGATION PLAN ADOPTED.

The Council of the village hereby adopts the Cabarrus Stanly Union Regional Hazard Mitigation Plan.
(Res. 2015-02, passed 3-9-2015)

§ 32.02 TOBACCO PRODUCTS ON VILLAGE PROPERTY.

(A) *Definitions.* For the purpose of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

GROUNDS. An unenclosed area owned, leased or occupied by the village.

LOCAL GOVERNMENT BUILDING. A building owned, leased as lessor or the area leased as lessee and occupied by a local government.

LOCAL VEHICLE. A passenger-carrying vehicle owned, leased or otherwise controlled by local government and assigned permanently or temporarily by local government to local government employees, agencies, institutions or facilities for official local government business.

SMOKING. The use or possession of a lighted cigarette, lighted cigar, lighted pipe or any other lighted tobacco product.

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(B) *Areas in which smoking and tobacco use is prohibited.* Smoking and the use of tobacco products is prohibited:

- (1) In any building owned, leased, occupied or operated by the village;
- (2) In any public transportation vehicle owned, leased or operated by the village; and/or
- (3) On any grounds that are owned, leased, occupied or operated by the village.

(C) *Signage.*

(1) Persons in charge of buildings or grounds identified in division (B) above shall post signs at all entrances and exits explaining the prohibition of tobacco use.

(2) Persons in charge of vehicles identified in division (B) above shall post signs in the vehicles explaining the prohibition. The signs must be displayed in areas where passengers will be able to see the signs, but the placement of the signs must not interfere with the safe operation of the vehicle.

(3) Signs must state that tobacco use is prohibited and the sign must include the international “no smoking and smokeless tobacco” symbol (which consists of a pictorial representation of a burning cigarette and smokeless tobacco product enclosed in a red circle with a red bar across it).

(4) Signs must be of sufficient size to be clearly legible to a person of normal vision throughout the areas they are intended to mark, be conspicuously posted and must not be obscured in any way. (Ord. 2012-14, passed 10-16-2012) Penalty, see § 32.99

§ 32.03 MINORITY BUSINESS OUTREACH.

(A) The village shall have a verifiable 10% goal for participation by minority businesses in the total value of work for building projects awarded by the village and costing \$300,000 or more.

(B) The village shall make a good faith effort to recruit minority participation in accordance with G.S. § 143-128.2 for minority business participation in building construction or repair contracts. (Res. 2010-07, passed 9-21-2010)

§ 32.04 SESSION MINUTES; SEALING AND UNSEALING.

(A) Pursuant to G.S. § 143-318.10(e), all closed session minutes or general accounts are to be sealed immediately upon preparation.

(B) The sealed minutes are to be reviewed periodically by the Village Attorney and the Village Clerk, who shall make a recommendation to the Village Council as to when the minutes may be unsealed in compliance with state and/or federal law.

(Res. R-2004-14, passed 6-14-2004)

§ 32.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) *Violations by employees.* Employees who violate § 32.02 of this chapter shall be subject to sanctions consistent with the village's human resources policies.

(2) *Violations by other persons.* Any person who, following oral or written notice by the person in charge of the area or the person's designee, continues to smoke or to use tobacco products in an area where smoking or tobacco use is prohibited by § 32.02(B) of this chapter commits an infraction. Pursuant to G.S. § 130A-498(d), the person committing the infraction may be punished by a fine of not more than \$50 and may not be assessed court costs. Conviction of an infraction under § 32.02 of this chapter has no consequence other than payment of a penalty.

(3) *Amendments.* Any amendments to the enforcement or penalty provisions listed in G.S. § 130A-498(c)(1) apply to § 32.02 of this chapter.

(Ord. 2012-14, passed 10-16-2012)

