

Article II
The Town Council

§ 201: Number, Selection, and Term

The legislative powers of the town are vested in the town council consisting of seven (7) council members (six as described in this Article, and the mayor as described in Article IV) who shall be elected as hereinafter provided and each of whom shall hold office for a term of two (2) years until either his or her successor takes office or 60 days following declaration of his or her successor's election, whichever occurs first. [Amended 5-2-16, effective 6-21-16]

§ 202: Qualifications of Council Member

A council member shall be at least twenty-one (21) years of age and a citizen of the United States. He shall have resided within the corporate limits of the town for at least six (6) months immediately preceding election and shall be a qualified voter of the ward from which elected. A council member shall retain throughout his term of office all the qualifications necessary for his election and failure to retain all such qualifications shall cause a forfeiture of his office. [Amended 1-4-16, effective 2-23-16]

§ 203: Compensation of Council Members

Each council member shall receive an annual salary that shall be equal for all council members and shall be as specified from time to time by ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time any council takes office shall not be changed during the term for which that council was elected. The ordinance making any change in the salary paid to the council members, either by way of increase or decrease, shall be passed prior to a regular biennial town election and shall become effective on the first Monday in June following that town election.

§ 204: Meetings of the Council

The council shall meet at least once a month, excluding the month of August; at which time the council shall be in recess. Special meetings may be called for a specific purpose upon request of the mayor or a majority of the council members. All meetings of the council shall be open to the public, and the rules of the council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. Nothing contained herein shall be construed to prevent the council from holding an executive session or acting as a special hearing body from which the public is excluded, but no ordinance, rule, or regulation shall be finally adopted at such an executive session or hearing. [Amended 12-1-08]

§ 205: Chairman and Vice-Chairman of the Council

The mayor shall serve as chairman of the council. The mayor may take part in all discussions and shall be a voting member of the council. Immediately after being sworn into office, the mayor with confirmation by the affirmative vote of a majority of the entire council shall appoint from among the council members a vice-chairman, who shall discharge any and all duties of the mayor during the mayor's absence or temporary disability. In the event that both the mayor and vice-chairman are unable to discharge the duties of the mayor, these duties shall be discharged by other individuals as may be specified by ordinance. [Amended 5-2-16, effective 6-21-16]

§ 206: Judge of Qualifications of its Members

The council shall be the judge of the election and qualifications of its members.

§ 207: Quorum

A majority of the council shall constitute a quorum and a quorum is necessary for the transaction of business, but no authorization for expenditure of unbudgeted items or ordinance shall be approved without four (4) affirmative votes. Except for the purposes of §209, the mayor for all purposes shall constitute one of the council. [Amended 5-2-16, effective 6-21-16]

§ 208: Procedure of the Council

The council shall determine its own rules and order of business. The council shall keep or have kept a journal or minutes of its proceedings and enter therein the affirmative and negative votes upon final action on any question, resolution, or ordinance, or at any other time if required by any member. The journal or minutes shall be open to public inspection.

§ 209: Vacancy

(a) A vacancy shall be declared to exist if a council member resigns, is deceased, is recalled, is convicted of a felony, fails to retain all the qualifications necessary for his election, fails to attend three (3) consecutive regular council meetings without being excused by the council, or if no one is elected in an election.

(b) In the event a vacancy is declared within the first fifteen (15) months of a term, a special election in accordance with § 510 of this charter shall be held no sooner than 30 days and within forty-five (45) days after the declaration of the vacancy to fill the vacancy for the balance of the unexpired term.

If no valid candidates file a petition as set forth in §506: “Candidates for Office to File Petition” then the special election shall be cancelled.

(c) In the event a vacancy is declared during the last nine (9) months of a term or if a special election is cancelled due to a lack of valid candidates, the mayor shall appoint, within forty-five (45) days after the declaration of the vacancy and with confirmation by a majority of the remaining council members, a qualified person from the ward for which the vacancy exists to fill the vacancy for the balance of the unexpired term. If no qualified person from the ward is available, after due notice in a publication or newspaper having general circulation in the town, the mayor shall appoint, with confirmation by a majority of the remaining council members, a qualified person from the town at large.

§ 210: Ordinances

(a) No ordinance shall be passed at the meeting at which it is introduced. At any regular or special council meeting held not fewer than six (6) days nor more than sixty (60) days after the meeting at which an ordinance is introduced, it shall be passed, or passed as amended, or rejected, or have its consideration deferred. In cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by four (4) affirmative votes.

(b) Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following passage by the council. Any emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until it has been passed by four (4) affirmative votes.

(c) The ordinance or a fair summary shall be published at least once in a newspaper having general circulation in the town before it is acted upon by the council. In the case of an emergency ordinance, it shall be published after it is passed.

§ 211: Referendum

If, before the expiration of twenty (20) calendar days following approval of any ordinance by the council, a petition is filed with the town manager, or the mayor in the town manager’s absence, or the vice-chairman of the council in the mayor’s absence, containing the signatures of not less than twenty percent (20%) of the total number of qualified voters of the town as reflected in the universal voter registration totals for the town on the date of the approval of the ordinance and requesting that the ordinance or any part thereof be submitted to a vote of the qualified voters of the town for their approval or disapproval, the council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the council’s discretion, at a special election occurring before the next regular election.

No ordinance, or part thereof requested for referendum, shall become effective following the receipt of such petition unless and until approved at the election by a majority of the qualified voters of the town voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance or any part thereof has not been submitted to the qualified voters of the town within sixty (60) days following receipt of the petition, the effect of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters of the town voting on the question at any election. Any ordinance or part thereof disapproved by the voters shall stand repealed.

The provisions of this section shall not apply to any ordinance or part thereof levying special assessment charges or special tax revenues for payment of indebtedness as outlined in this charter.

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[Amended 5-2-16, effective 6-21-16]

§ 212: File of Ordinances

Ordinances shall be codified and permanently filed in the town office and shall be kept available for public inspection.

§213: Interference by Council with Town Manager [Amended 5-2-16, effective 6-21-16]

Neither the council nor any individual council member may issue orders or directions to any subordinate of the town manager. Because maintaining a clear chain of command is important to the smooth and orderly functioning of government, the council and council members may only direct communications with any subordinate of the town manager through the town manager except when seeking information from or sharing information with heads of offices, departments, and agencies of the town.