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**Article 1  
Board of Commissioners**

**Section 2.1 Organizational meeting of Board.**

- (a) The organizational meeting of the Board shall be held on the date and at the time of the first regular meeting in December after the results of each regular municipal election have been certified. At the organizational meeting the newly elected Mayor and Commissioners shall qualify by taking the oath of office prescribed in Article VI, Section 7 of the Constitution.
- (b) The Organization of the Board shall take place notwithstanding the absence, death, refusal to serve, failure to qualify, or nonelection of one or more members, but at least a quorum of the members must be present. (See G.S. 160A-68)

**Section 2.2 Same; Mayor Pro Tempore; disability of Mayor.**

At the organizational meeting, the Board shall elect from its members a Mayor Pro Tempore to serve at the pleasure of the Board. A Commissioner serving as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Commissioner for all purposes, including the determination of whether a quorum is present. During the absence of the Mayor, the Board may confer upon the Mayor Pro Tempore any of the powers and duties of the Mayor. If the Mayor should become physically or mentally incapable of performing the duties of the office, the Board may by unanimous vote declare that they are incapacitated and confer any of the Mayor's powers and duties on the Mayor Pro Tempore. Upon the Mayor's declaration that he is no longer incapacitated, and with the concurrence of a majority of the Board, the Mayor shall resume the exercise of their powers and duties. (See G. S. 160A-70)

**Section 2.3 Regular meetings.**

The regular meetings of the Mayor and Board of the Town of Hudson shall be held on the third Tuesday of each month, at six (6) o'clock p.m. at the Town Hall unless otherwise designated by the Board. (Amended 7/18/2017)

**Section 2.4 Special meetings.**

The Mayor, the Mayor Pro Tempore, or any two members of the Board may at any time call a special Board Meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Commissioner or left at their usual dwelling place at least six (6) hours before the meeting. Special meetings may be held at any time when the Mayor and

all members of the Board are present and consent thereto or when those not present have signed a written waiver of notice. Only those items of business specified in the notice may be transacted at a special meeting unless all members are present or have signed a written waiver of notice. (See G. S. 160A-71).

**Section 2.5 Quorum.**

A majority of the membership of the Board of Commissioners shall constitute a quorum and no official business of the Town shall be transacted by the Board unless a quorum is present. The number required for a quorum shall not be affected by vacancies. A member who has withdrawn from a meeting shall be counted as present for purposes of determining whether or not a quorum is present. (See G.S. 160A-74)

**Section 2.6 Minutes.**

It shall be the duty of the Clerk to be present at all meetings of the said Town Board to keep in a book provided for that purpose full and accurate minutes of all the proceedings of the Board. Such minutes shall be open to the inspection of the public. The results of each vote shall be recorded in the minutes and upon request of any member of the Board the ayes and noes upon any question shall be taken. (See G.S. 160A-72)

**Section 2.7 Mayor to preside over Board.**

The Mayor shall preside at all meetings of the Board and in his absence the Mayor Pro Tempore shall preside. (See G. S. 160A-70)

**Section 2.8 Mayor not to vote except to break tie.**

The Mayor shall not have the right to vote on any question before the Board except when there are equal numbers of votes in the affirmative and in the negative. (See G.S. 160A-69)

**Section 2.9 Committees.**

The Mayor and Commissioners may create such committees of the Board for special purposes as they deem best.

**Section 2.10 Voting.**

(a) No member shall be excused from voting except upon matters involving the consideration of his own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the Board 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 the members of the Board is not a matter involving a member's own financial interest or official conduct.

(b) An affirmative vote equal to a majority of

all the members of the Board not excused from voting on the question in issue (including the Mayor's vote in case of an equal division) shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the Town. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the members of the Board (not including the Mayor). (See G.S. 160A-75)

**Section 2.11 Franchises; technical ordinances.**

(a) No ordinance making a grant, renewal, extension, or amendment of any franchise shall be finally adopted until it has been passed at two regular meetings of the Board, and no such grant, renewal, extension, or amendment shall be made otherwise than by ordinance.

(b) Any published technical code or any standards or regulations promulgated by any public agency may be adopted in an ordinance by reference subject to G.S. 143-138(e). A technical code or set of standards or regulations adopted by reference in an ordinance shall have the force of law within the Town. Official copies of all technical codes, standards, and regulations adopted by reference shall be maintained for public inspection in the office of the Clerk. (See G.S. 160A-76)

**ARTICLE 2**  
**Ordinances**

**Section 2.12 Effective date.**

All ordinances shall be effective after the ratification thereof except ordinances specifying some other effective date or ordinances required by state law to be effective only after having met specific date requirements. (See G. S. 160A-75)

**Section 2.13 Ordinances confined to one subject.**

All ordinances shall be confined to one subject except appropriation ordinances which shall be confined to the subject of appropriations only.

**Section 2.14 Official copy.**

A true copy of an ordinance, which has been duly enacted by the Board, signed by the Mayor, and attested to by the Clerk shall be known as an official copy of any ordinance for the Town. All ordinances or a true copy thereof shall be inserted in this code in the proper chapter.

**Section 2.15 Ordinances appropriating money.**

No appropriation ordinance or an ordinance to alter or repeal an appropriation ordinance shall be enacted at any meeting other than a regular meeting except by a unanimous vote of the entire Board.

**Section 2.16 Ordinance book.**

The Clerk shall file a true copy of each ordinance, until it is codified in this code, in an ordinance book separate and apart from the Board' minute book. The ordinance book shall be appropriately indexed and maintained for public inspection in the office of the Clerk. (See G. S. 160A-78)

**ARTICLE 3**  
**Officers and Employees**

**Section 2.17 Office of Mayor.**

It shall be the duty of the Mayor to cause all ordinances of the Town to be enforced, to attend and preside over all meetings of the Board. It shall further be the duty of the Mayor to within thirty days after the close of each year to require a report to the Board from the various departments of the Town government for the previous year and recommend such adjustments as found to be fit, and the Mayor shall perform such other duties as the Board may from time to time require. The Mayor shall be the chief executive officer of the Town. (See G. S. 160A-69)

**Section 2.18 Offices of Clerk & Finance Officer**

(a) The Clerk (referred to in this Code as the "Clerk" shall be appointed by the Board of Commissioners. The Clerk shall:

(1) Give notice of meetings of the Board;  
(2) Attend all meetings of the Board and regularly and fairly record all of its proceedings as provided in Section 2.6 hereof;

(3) Keep an ordinance book as provided in Section 2.16 hereof;

(4) Perform such other duties as the Board may from time to time require. (See G. S. 160A-171: G. S. 159). (Amended 7/18/2017)

(b) The Office of the Finance Officer shall:

(1) Keep true, accurate, and just books of accounts of the dealings and transactions of the Town, which books shall show at all times the true condition of the said Town, its resources and liabilities and the disposition and use of the monies coming under the control of the Town;

(2) Keep or cause to be kept in a safe place all monies, records and accounts;

(3) Disburse funds for the various purposes of the Town only when an appropriation for such purpose has been made in the annual budget and the disbursement is authorized by the Board of Commissioners; and

(4) Perform such other duties as the Board may from time to time require. (See G. S. 160A-171: G. S. 159) (Amended 7/18/2017)

**Section 2.19 Other officers and employees.**

Such other officers and employees that are deemed necessary shall be appointed by the Board. All officers and employees shall serve at the pleasure of the Board and receive such compensation as from time to time may be prescribed by the Board. (See G. S. 160A-146)

**Section 2.20 Employees' bonds.**

The Clerk, Finance Officer and other officers or

employees required by the Board shall, before entering upon their duties, post bond in amounts specified by the Board. All bond premiums shall be paid from Town funds. Provided, that when two officers are combined, such as Clerk and Treasurer, only one bond shall be required. (See G.S. 160A-65; G.S. 105; G.S. 159)

## ARTICLE 4

### Finance and Purchasing

#### Section 2.21 Disbursement of funds.

No money shall be disbursed from the Town treasury except on order of the Board in session and then only if the item for which the disbursement is made has been provided for in the annual budget except in the case of an extreme emergency. (See G.S. 159)

#### Section 2.22 Purchasing.

(a) Before any order is given for items to be paid by the Town or any purchase made by any Town employee, a purchase order must first be obtained from the Town Clerk.

(b) Any Town employee purchasing goods without a purchase order from the Town Clerk will be held responsible for the cost of same.

**ARTICLE 5**  
**Emergencies**

**Section 2.23 State of emergency; curfew authorized.**

(a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

(b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the Town, or threatening damage to or destruction of property, the Mayor of the Town is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the Town, to place in effect any or all of the restrictions hereinafter authorized.

(c) The Mayor is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restrictions to any area specifically designated or described within the corporate limits of the Town and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the Town.

(d) The Mayor shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the Board of Commissioners.

(e) During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:

(1) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition, or dangerous weapons of any kind

and prohibit the purchase, sale, transfer or other disposition thereof;

(2) Prohibit or regulate the buying or selling of beer, wine or intoxicating beverages of any kind, and their possession or consumption off one's own premises;

(3) Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public ways or upon any public property;

(4) Prohibit or regulate the sale of gasoline kerosene, naphtha or any other explosive or inflammable fluids or substances;

(5) Prohibit or regulate travel upon any public street, alley or roadway or upon any other public property except by those in search of medical assistance, food or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof;

(6) Prohibit or regulate the participation in or carrying on of any business activity and prohibit or regulate the keeping open of places of business, places of entertainment and any other places of public assembly.

(f) Any proclamation may be extended, altered, or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

(g) During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this section.

**Section 2.24 Same; enforcement.**

The Mayor of the Town, and in his absence, Mayor Pro Tempore, and in the absence of both such officials the Chief of Police of the Town, be and they are hereby authorized to enforce the preceding section for such periods of time as they shall deem necessary.

## ARTICLE 6

### Privacy of Personnel Records

#### Section 2.31 Title.

This Article shall be known as the "Town of Hudson Personnel Records Privacy Ordinance." (Ord. of 10/5/76, Art. I, Sec. 1)

#### Section 2.32 Purpose.

The Town enacts the following sections to provide a procedure to (1) allow for the legal disclosure or denial of disclosure of both public and confidential personnel information, (2) allow an employee to question, and correct, if necessary, any information filed in his/her personnel file, (3) designate a capable town employee as records custodian, and (4) contribute to the modern personnel system maintained by the Town. (Ord. of 10/5/76, Art. I, Sec. 2)

#### Section 2.33 Authority.

This personnel information request and objection procedure is hereby established pursuant to the General Statutes Chapter 160A-168. (Ord. of 10/5/76, Art. I, Sec. 3)

#### Section 2.34 Coverage.

This procedure shall govern the disclosure or denial of disclosure of all personnel records and information. Furthermore, this procedure shall govern employees, objections to information contained in the personnel files and shall provide recourse to such objections. (Ord. of 10/5/76, Art. I, Sec. 4)

#### Section 2.35 Policy.

It is the Town's policy to abide by the provisions of G. S. Chapter 160A-168, and other State statutes, concerning the privacy of personnel records of town governments in North Carolina. Further, it is the Town's policy to protect clearly confidential personnel information and records from disclosure to the public and to receive and review objections from Town employees concerning information in their personnel files as maintained by the Town. These objections may be made against material employees feel to be incorrect, unfair, or inap-

propriate for Town use and retention. It is the Town's policy, upon proper request, openly to disclose requested personnel information which has been determined to be a matter of public record by appropriate statute. It is the Town's policy to disclose confidential information only when such disclosure meets the requirements set forth in the General Statutes of North Carolina. (Ord. of 10/5/76, Art. II, Sec. 1)

#### Section 2.36 Public and confidential information defined.

(a) Pursuant to G.S. 160A-168, the following eight items of information about local government employees are matters of public record and may be made public upon proper request:

- (1) Employee's name;
- (2) Employee's age;
- (3) Date of original employment;
- (4) Current job title;
- (5) Current salary;
- (6) Date and amount of the most recent change in salary;
- (7) Date of the most recent change in job classification;
- (8) Office to which the employee is currently assigned.

(b) All other information in an employee's personnel file is confidential according to G.S. 160A-168 (153A-98) and is open to inspection only in the following instances:

(1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.

(2) A licensed physician designated in writing by the employee may examine the employee's medical record.

(3) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.

(4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file.

(5) An official of an agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be inspected to be necessary and essential to the

pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution (of the employee), or for the purpose of assisting in an investigation of (the employee's) tax liability. (Ord. of 10/5/76, Art. II, Sec. 2)

### Section 2.37 Designation of records custodian.

The Town Clerk is hereby appointed as the custodian of Town personnel records as they pertain to this Article. This is not meant to imply that the person appointed as records custodian is necessarily in charge of the day-to-day maintenance of personnel records as maintained by the Town, although the two (2) duties may be performed by the same person. (Ord. of 10/5/76, Art. III, Sec. 1)

### Section 2.38 Custodian's responsibilities.

The personnel records custodian, for purposes of this Article, is responsible for the proper functioning, maintenance and documentation of the procedures established by and in accordance with this Article. The custodian is responsible for the operation of this procedure pursuant to G.S. 160A-168 subject to the final approval of the Town Administrator. The custodian shall (1) receive all requests for information and objections from employees, (2) make a determination concerning requests for information in accordance with this Article, (3) provide complete and accurate documentation for the procedures listed in the Article, (4) keep a cumulative list of all requests for information and responses given for a 12-month period, and (5) perform such other duties as necessary or required by the Town Administrator to assure the proper and legal operation of the procedures outlined in this Article. (Ord. of 10/5/76, Art. III, Sec. 2)

### Section 2.39 Request procedure.

All requests for personnel records information must be made in writing to the custodian of personnel records on a Request for Personnel Information form. The written request must include (1) the information sought, (2) reasons for requesting the information, and (3) the signature and standing of the person requesting the information. The completed Request form should then be submitted to the records custo-

dian for review. (Ord. of 10/5/76, Art. IV, Sec. 1)

### Section 2.40 Request review procedure.

The custodian, upon request of a completed Request form, shall determine whether the Request pertains to information which is a matter of public record or to information which must be held as confidential. If a Request is for public information, the custodian shall attempt, within one (1) week (five (5) work days) of the date of the Request, to provide the person requesting the public information with the requested material. The Request form shall be stamped "Approved Public Information" and a copy of the Request form returned to the person receiving the public information. If a Request is determined to pertain to confidential information, the following procedure must be followed:

(1) The custodian shall first determine whether or not the Request for confidential information meets the requirements for the disclosure of confidential information as provided for by G.S. 160A-168 and enumerated in Section 2.36.

(2) Upon determination described above, the custodian shall complete the Privacy Law Determination form.

(3) Upon completion of the Determination form, the custodian shall perform the following:

a. If the Request for confidential information is approved under paragraph (2) above, a copy of the Request information shall be provided to the person requesting such information. The custodian shall formally caution the person receiving the confidential information concerning the confidentiality of the information he/she has received. Additionally, the custodian shall require the person requesting the confidential information to sign the statement appearing on the Determination form agreeing to guard carefully the confidentiality of the information.

b. In the event the person receiving confidential information refuses to sign the statement referred to in paragraph (3)a above, the information shall be withheld from disclosure.

c. If the Request for confidential information is denied, a copy of the Determination form, including explicit and clear information concerning the denial, shall be provided to the person whose Request was denied.

d. The actions to be taken in paragraphs (1) and (2) above must be completed within one (1)

week (five (5) work days) of the date of the Request. (Ord. of 10/5/76, Art. IV, Sec. 2)

#### Section 2.41 Objection procedure.

All official complaints or objections made by Town employees concerning any information contained in their personnel files must be made to the personnel records custodian on an Employee's Objection Notice form. The written request must include (1) the employee's name, (2) identification of the objectionable material, and (3) any supporting text, documents, or statements which help to clarify the objection. The completed Objection form should then be submitted to the custodian for review. (Ord. of 10/5/76, Art. V, Sec. 1)

#### Section 2.42 Custodian's determination in objections.

The records custodian must review and study each employee's Objections and make a determination based on the following rules:

(1) If the custodian finds that the employee's complaint is valid and the personnel records material under Objection is incorrect and/or inappropriate, the personnel material shall either be (1) corrected and returned to the files, or (2) removed from the files and destroyed, at the discretion of the custodian with the approval of the Town Administrator. If the material is removed from the files and destroyed, the employee's Objection form shall be placed in a special Objections file.

(2) If the custodian finds that the employee's complaint is invalid and the personnel records material under Objection is correct and/or appropriate, the personnel material shall remain in the personnel files. However, the employee's Objection form shall be filed with the material objected to and a copy of the Objection form shall be filed in a special Objections file.

(3) The actions outlined in paragraphs (1) and (2) above should be completed within one (1) week (five (5) work days) of the date of the employee's Objection. (Ord. of 10/5/76, Art. V, Sec. 2)