

Memorandum: Compilation of Delegation of Authority

The Town Council has passed at least eighteen separate delegations of authority, the majority of which are more than ten years old. Various authorities have been delegated to the Town Manager, Town Clerk, Finance Director, Purchasing Manager, Police Chief, and Parks, Recreation, and Cultural Resources (PRCR) Director. Eight delegations relate to contracting in some manner, including service contracts, purchase contracts, PRCR contracts, and law enforcement mutual aid agreements. Nine delegations relate to the disposition of real and personal property, including selling and transferring cemetery plots, encroachment rights by others across Town property and by the Town across NC DOT property, the disposition of surplus personal property, and the leasing of surplus real property. One delegation authorizes the Manager to settle certain bankruptcy matters. In almost all of the delegations, there is no provision for further delegation beyond the named official.

By compiling these delegations into one resolution, the Town council and staff can more effectively determine, evaluate, and fine tune the various authorities entrusted to staff. The resolution is also an opportunity to clarify authority where it is imprecise or unclear, and to better reflect actual practices for the transaction of Town business. In some instances, an expansion of authority is requested to ensure routine transactions can be completed efficiently, without unnecessary delays, and without excessive council consent agenda items. A summation of authority clarifications and expansions is detailed below:

Clarifications of Authority

- Section 1.1 clarifies that when Town Council approves a contract, the Town Manager or their designee will be authorized to execute it and make minor modifications and amendments thereto. Typically each individual consent item would need to include a delegation to the Manager to perform these tasks.
 - Note that council will continue to see many of the same types of agreements on consent agenda, including (1) multi-year agreements and (2) agreements including an indemnity of the contractor by the Town.
- Section 1.2(H) clarifies the many types of service contracts delegated to the Manager, and importantly, clarifies the Manager's ability to delegate those agreements (previously only authorized to delegate to an Assistant Town Manager).
- Section 1.2(L) clarifies that the Manager may approve and execute permits, applications, plans, and other forms required by state and federal agencies. This clarification reflects current practices.
- Section 1.4(A) – This will add to the PRCR Director's authority so that field trip and program reservations and registrations are clearly delegated to the PRCR Director.

- Section 1.8 clarifies which officers of the Town have the authority to notify persons not to enter or remain on Town property and to declare a trespass as provided in N.C.G.S. § 14-159.13.
- Section 1.9 clarifies that the Town Manager and Deputy Town Manager are authorized to execute and apply for disaster assistance funding.

Expansions of Authority

- Section 1.2(D) – The authority to approve and execute purchase contracts will expand from the Purchasing Manager only to include the Manager or the Manager’s designee.
- Section 1.2(F) – The authority for encroachment agreements, either by the Town across another’s property, or by others across Town property, will be delegated to the Manager or their designee. Currently only certain encroachments by others and Town encroachments across NC DOT property are delegated.
- Section 1.2(G) – This will delegate to the Town Manager the authority to complete and submit grant applications as long as any required fund matching is available within budgeted appropriations. This will also delegate the authority to accept and execute contracts related thereto, but only for non-government entities; state and federal grants must be accepted by Town Council as required by law.
- Section 1.2(I) – The authority to approve and mutual aid agreements, including police, fire, and utility services, will be delegated to the Manager or their designee. The Fire Chief will have the authority to approve and execute mutual and automatic aid for fire protection services. The Police Chief’s authority to approve and execute mutual aid agreements for law enforcement services remains unchanged. Other interlocal agreements will continue to require council approval.
- Section 1.5(B) – This will delegate to the Police Chief the authority to transfer ownership of a retired public service animal. Under the statute, it may be transferred only to its handler, or in the event the handler passed in the line of duty, the handler’s surviving spouse/children, or to an organization dedicated to caring for retired public service animals.
- Section 1.7(B) – This will delegate to the Manager to settle various types of legal claims with the approval of the Town Attorney up to \$50,000 keeping consistent with the Town’s Charter section 6.2.
- Section 1.7(C) – To adjust for inflation, the resolution includes an expansion of the Manager’s authority to settle bankruptcy claims from \$25,000 to \$50,000.

At this time, the resolution is not proposing any clarifications or expansions to the authorities delegated to the following offices: Town Clerk; Finance Director; and Purchasing Manager.