
Coates' Canons Blog: About Town Administrators

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Article: <https://canons.sog.unc.edu/about-town-administrators/>

This entry was posted on October 13, 2010 and is filed under Board Structure & Procedures, Board Structures

North Carolina cities have a choice of governance structure: the mayor-council form or the council-manager form. According to the School of Government's **Forms of Government database**, 300 cities in North Carolina use the mayor-council form, and 67 of them employ a "town administrator" who supervises all departments. What are town administrators and what laws govern what they do? This post discusses town administrators, compares them with managers, and also describes one old, and one new School of Government resource about forms of government in North Carolina.

Town Administrators

There are no specific statutes that describe town administrators or delineate their powers. That's because a town administrator is a position created by the governing board in mayor-council cities. In a mayor-council city, the council has the legal authority to appoint employees and has broad authority to organize the government. (See **G.S. 160A-146**). In addition, **G.S. 160A-155** specifically authorizes the council in mayor-council cities to delegate to any administrative official or department head its authority to appoint, suspend, and remove employees. Under this authority, the council may create the position and hire an administrator to perform functions similar to or even identical to those that a manager in a council-manager city would perform.

Comparing Administrators and Managers

So what's the difference between a manager and an administrator? In a council-manager form of government the manager's powers and duties are set by state law (**G.S. 160A-148**). The council has no authority to modify the manager's powers, except perhaps to add to those listed in the statute. An administrator's powers, on the other hand, are delegated by the council and can be defined, modified, or even completely eliminated, in the council's discretion.

In addition to supervisory authority, councils may delegate to administrators authority for things like approving contracts and other expenditures, and in some cases, cities confer upon the administrator the duties of clerk or finance officer. Basically, the council can delegate to an administrator any of its power or duty as it chooses, as long as no statute requires the power or duty to be exercised by the board itself. For example, since state law (**G.S. 143-129**) requires the governing board to award contracts for construction or repair work in the formal bidding range, this power can't be delegated, whether to an administrator or a manager.

Changing Forms of Government

What if the council in a council-manager city decides that it wants to have more flexibility in defining the authority of its manager – in effect, to move from a manager to an administrator? Or, what if a mayor-council city decides that it wants to move from an administrator to a manager, with statutory, rather than delegated powers?

Both of these changes would require a change in the city's form of government. This can be done by a local act of the General Assembly, amending the charter to reflect the change (refer to my earlier **post on local acts** for more about this process). Or, it can be done by local ordinance, initiated by the council itself, or by petition from citizens of the city. The authority and process for locally initiated changes in the form of government, as well as other authorized structural changes, are set out in G.S. 160A-101 through 160A-110.

Forms of Government Resource

A new resource created by David Lawrence (recently retired School of Government faculty member) provides a summary of the procedure for locally initiated changes in the form of city government. The resource includes links to the statutes



and forms that can be used in the process, as well as answers to questions about how to interpret and apply the various requirements. You can find this new resource on the School's **Forms of Government website**. There you can also find the School's database of current forms of government for North Carolina cities, searchable according to the form of government, method of election, and board structure and voting, and other information. (Please note that the population figures in the database reflect the most recent census, not the actual current population. In the next revision, we'll update it to reflect the new census figures.)

Here are the links:

To see the current forms of government: http://www.sog.unc.edu/programs/cityfog/fog_db_intro.php

To see recent changes made by local governments see the Change Log:

<https://www.sog.unc.edu/resources/microsites/forms-north-carolina-city-government/forms-government-change-log>

Links

- www.sog.unc.edu/forms-of-government-paged
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-146.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-155.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-148.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-129.html
- www.sog.unc.edu/resources/microsites/forms-north-carolina-city-government/current-forms-government
- www.sog.unc.edu/resources/microsites/forms-north-carolina-city-government/forms-government-change-log