

**County Clerks, Municipal Clerks**  
**How are they alike?**  
**How are they different?**

*A. Fleming Bell, II*  
*UNC School of Government*  
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**Similarities**

- All cities and counties (and many other local governments) **must have a clerk or secretary**
- All clerks **keep records**
- All clerks **give notices**
- All clerks **take minutes** of meetings
- All clerks **have to work with governing boards**
- All clerks **must take an oath of office and can administer oaths**
- Nearly all clerks **are notaries public, although legally they don't have to be**
- Most clerks **handle appointment records for their governing boards; county commissioners generally make appointments to many more boards than do city councils**

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**Differences**

**Statutes:**

**1. Appointment and Duties of the City Clerk**  
**§ 160A-171. City clerk; duties\***  
 There shall be a city clerk who shall **give notice of meetings** of the council, **keep a journal of the proceedings** of the council, **be the custodian of all city records**, and shall **perform any other duties** that may be required by law or the council.

**§ 160A-172. Deputy clerk**  
*The council may provide for a deputy city clerk* who shall have full authority to exercise and perform **any of the powers and duties of the city clerk that may be specified by the council.**

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**2. Appointment and Duties of the County Clerk**  
**§ 153A-111. Appointment; powers and duties**  
*The board of commissioners shall appoint or designate a clerk to the board. The board may designate the register of deeds or any other county officer or employee as clerk. The clerk shall perform any duties that may be required by law or the board of commissioners. The clerk shall serve as such at the pleasure of the board.*

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**Notes about Appointment**  
City-G.S. 160A-171 and -172 are not specific about who is responsible for appointing the clerk.  
 In mayor-council cities, it is generally the council's responsibility.  
 In council-manager cities, it is generally the manager's job, unless the city charter specifies that the council will appoint the clerk. (Several larger cities have the latter rule.)  
County-G.S. 153A-111 specifies that the clerk serves as such at the pleasure of the board of commissioners. However, county clerks also have other jobs such as assistant county manager or assistant to the manager under which they do not report directly to the board of commissioners.

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**Notes about Duties**  
 City clerks have some specific duties listed in their enabling statutes, and in other laws; e.g.,  
     to give notice of all council meetings,  
     to keep the council's minutes book,  
     to serve as custodian of all city records, and  
     to administer closing-out sales.  
 County clerks' principal duties are not spelled out in their enabling statute. However, they perform tasks similar to many of those listed for city clerks. E.g., they  
     are the custodians of the records in the commissioners' and manager's offices,  
     give a wide variety of notices, and  
     keep the minutes books of the commissioners and other county boards.

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**Recording Votes**

City and county clerks have **their own unique issues** in recording votes by their governing boards.

**In cities, if someone fails to vote** and hasn't been excused, **the law requires them to be counted as voting "yes."**

**On the other hand, the rules** for determining how many votes are needed for city councils to pass ordinances **are complex.**

**Counties have no statute to guide them when a commissioner fails to vote**, so they handle the situation in a variety of ways. Some counties allow abstentions, others follow the city rule, and others might count the failure to vote as a vote with the prevailing side or a "no" vote.

**On the other hand, the rule** for how many votes it takes to pass a county ordinance on first reading **is very simple:** all of the commissioners must vote "yes," with no absences, vacancies, or persons excused from voting.

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**Codes of Ordinances**

**All municipalities with a population of 5,000 or more must adopt a code of ordinances** and update it regularly.

**No counties are required to codify**, although many do.

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**And One More Thing: "Other Duties"**

City clerks must **"perform any other duties** that may be required by law or the council," in addition to those listed in G.S. 160A-171.

County clerks must **"perform any duties** that may be required by law or the board of commissioners." G.S. 153A-111

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