

Recommended  
Charter and Companion Legislation  
for

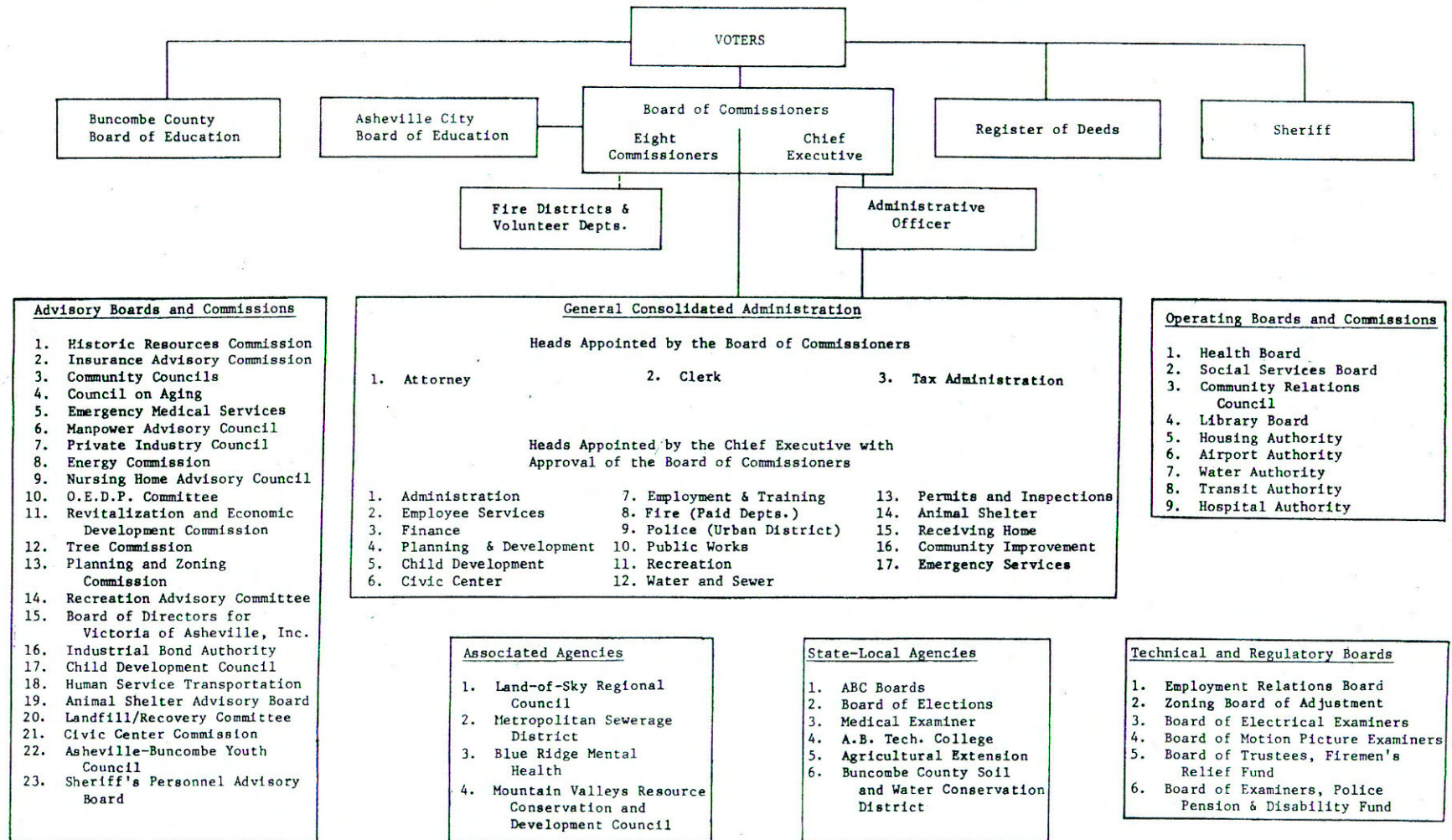
A CONSOLIDATED GOVERNMENT  
FOR ASHEVILLE AND BUNCOMBE COUNTY



Asheville–Buncombe Charter Commission

September 1, 1982

Recommended General Organization  
of the Consolidated Government of Asheville and Buncombe County



## LETTER OF TRANSMITTAL

To The Citizens of Buncombe County:

The Asheville-Buncombe Charter Commission was established in September of 1981 pursuant to Chapter 778 of the 1981 Session Laws enacted by the General Assembly of North Carolina.

The General Assembly directed the Commission to prepare preliminary recommendations for a consolidated charter for Asheville and Buncombe County and to hold public hearings on those preliminary recommendations. The preliminary charter was issued on April 15, 1982, and was published as a supplement in the Asheville Citizen-Times on Sunday, May 23, 1982. Over 70,000 copies were thus made available to citizens of the county. The Commission held five public hearings at different locations about the county between May 27 and June 10 to receive comments and suggestions from citizens. Local governing board members were given a special invitation to submit comments on the preliminary recommendations.

As a result of the comments and suggestions offered, changes in the preliminary recommendations have been made and the recommended charter is now presented to the citizens of Asheville and Buncombe County. This final plan will be placed before the voters of the county and each municipality at the November 2, 1982, election. Approval of the consolidation will require a favorable vote outside the City of Asheville, plus a favorable vote by the citizens of Asheville. If the vote is favorable, the consolidated government will become effective on December 3, 1984. In addition, a favorable vote by the citizens in each of the five other municipalities in the county is necessary for each to become a part of the consolidated government.

The Asheville-Buncombe Charter Commission  
John F. Shuford, Chairman



## TABLE OF CONTENTS

### CH. 1. GENERAL PROVISIONS

#### Article 1. Establishment / 1

1. Consolidated government established. / 1
2. Boundaries. / 2
3. Reserved through section 5. / 2

#### Article 2. Powers / 2

6. Corporate powers. / 2
7. Grant of county and municipal powers. / 2

### CH. 2. BOARD OF COMMISSIONERS

#### Article 1. Composition / 5

1. Composition of Board of Commissioners; usage. / 5
2. Election; term of office. / 5
3. Vacancies. / 5
4. Compensation. / 5
5. Reserved through section 8. / 6

#### Article 2. Organization / 6

9. Organizational meeting. / 6
10. Meetings. / 6
11. Quorum. / 7
12. Voting. / 8
13. Reserved through section 17. / 8

#### Article 3. Appointments / 8

18. Chief legal officer. / 8
19. Consolidated government clerk. / 9



ramdy wppointe neppriwylegalsi ofntice ramdy wppointe neppriwylegalsi ofntice

15. Powers and duties. / 15

## CH. 5. PERSONNEL

### Article 1. Personnel System / 16

1. Personnel system authorized. / 16
2. Coverage of system. / 16
3. Reserved through section 5. / 17

### Article 2. Employee Relations Board / 17

6. Board established. / 17
7. Duties. / 17
8. Jurisdiction. / 18
9. Reserved through section 12. / 18

### Article 3. Sheriff's Personnel Advisory Board / 19

13. Board continued; terms; qualifications; vacancies; removal. / 19
14. Compensation; chairman. / 19
15. Duties. / 19
16. General principles. / 20
17. Reserved through section 19. / 20

### Article 4. Limitations on Political Activity / 21

20. Political activity limited. / 21
21. No undated letters of resignation. / 21
22. Penalties for violation. / 22
23. Powers of Board of Commissioners. / 22

## CH. 6. BOARDS, COMMISSIONS, AND AUTHORITIES

### Article 1. General Provisions / 23

1. Applicability of article. / 23

2. Board of Commissioners appoint members. / 23

3. Compensation. / 23

4. Reserved through section 9. / 23

Article 2. Alcoholic Beverage Control / 23

10. Operations continue. / 23

11. Territorial jurisdiction. / 24

12. Appointments. / 24

13. Reserved through section 15. / 24

Article 3. Asheville City Board of Education / 25

16. City Board of Education not affected. / 25

17. Appointment. / 25

18. Reserved through section 19. / 25

Article 4. Buncombe County Board of Education / 25

20. County Board of Education not affected. / 25

CH. 7. FINANCE

Article 1. Revenue and Taxing Limitations / 26

1. General authority to levy taxes and impose charges. / 26

2. Property tax administration. / 26

3. Reserved through section 6. / 26

Article 2. Financing Services of the Buncombe Service District and of Urban Service Districts / 26

7. Districts established. / 26

8. Allocation of costs. / 27

9. Reserved through section 12. / 28

Article 3. Allocation of Revenues / 28

13. Revenues allocated to the Buncombe service district. / 28



14. Revenues allocated to urban service districts. / 28
15. Distribution of sales and use tax proceeds. / 29
16. Distribution of intangibles tax proceeds. / 29
17. General revenue sharing. / 30
18. ABC profits. / 30
19. Arrest fees. / 30
20. Fees and charges. / 30

#### CH. 8. CONTINUING MUNICIPAL CORPORATIONS

- Article 1. Relationship to Consolidated Government / 31
1. Included within Buncombe service district. / 31
  2. Limitation on powers. / 31
  3. Reserved through section 5. / 31
- Article 2. Consolidating a Town with the Consolidated Government / 32
6. Authority. / 32
  7. Procedure. / 32
  8. Effective date. / 32
  9. Cooperation and transition. / 32
  10. Continuation, transfer of assets and liabilities. / 33

#### CH. 9. MISCELLANEOUS PROVISIONS

- Article 1. Elections / 34
1. Elections follow general county law. / 34
  2. Reserved through section 4. / 34
- Article 2. Continuing Officers / 34
5. Sheriff. / 34
  6. Register of Deeds. / 34

7. Reserved through section 9. / 34

Article 3. Formation of Other Political Subdivisions / 35

10. Procedure; Board of Commissioners' consent. / 35

11. Reserved through section 12. / 35

Article 4. Changes in Form and Structure of Government / 36

13. Authority to modify the form and structure of government. / 36

14. Method. / 36

CH. 10. CONTINUATION AND TRANSITION

Article 1. Continuation / 37

1. Continuation of ordinances and regulations. / 37

2. Continuation of hearings and proceedings. / 37

3. Transfer of assets and liabilities. / 38

4. Continuation of officers and employees. / 40

5. Continuation of offices. / 40

6. Members, officers and employees of boards and agencies. / 41

Article 2. Transition / 41

7. Effective date. / 41

8. Effect on city and town elections and officeholders. / 41

9. Effect on 1984 county elections. / 42

10. Initial consolidated government election. / 42

11. Initial organizational meeting. / 42

12. Transitional budgets. / 43

13. Transition committee. / 43

14. Cooperation in transition. / 44

## CH. 11. INTENT AND SEVERABILITY

Sec. 11-1. Intent and severability. / 45

### GENERAL LAW AMENDMENTS

- I. Extending Housing Authority jurisdiction. / 46
- II. Requiring a separate fund for each urban service district. / 46
- III. Allowing consolidated government to levy city privilege license taxes in urban services districts or county-wide. / 47
- IV. Making consolidated government subject to property taxing limits of county governments. / 47



## CHARTER

### THE CONSOLIDATED GOVERNMENT OF ASHEVILLE AND BUNCOMBE COUNTY

#### CHAPTER 1. GENERAL PROVISIONS

##### Article 1. Establishment

Sec. 1-1. *Consolidated government established.* (a) The powers, duties, rights, privileges and immunities of the City of Asheville are consolidated with those of Buncombe County. These consolidated powers, duties, rights, privileges and immunities are exercised and enjoyed by a government for Buncombe County known as The Consolidated Government of Asheville and Buncombe County (herein called the consolidated government). If in special elections held in the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin, the citizens of any town elect not to continue their town as a separate municipality, the powers, duties, rights, privileges and immunities of the town whose citizens so elect also are consolidated with those of Buncombe County and exercised and enjoyed by the consolidated government. The consolidated government is the legal successor to the separate governments of the City of Asheville and Buncombe County and any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin the citizens of which elect not to continue their town as a separate municipality. Buncombe County continues as a county of the State of North Carolina, and the consolidated government shall perform all the duties and serve all the purposes required of counties under the Constitution and laws of the State of North Carolina.

(b) The City of Asheville and any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin whose citizens elect not to

continue their town as a separate municipality are abolished as independent municipal corporations.

Sec. 1-2. *Boundaries.* The consolidated government has jurisdiction and extends territorially throughout Buncombe County.

Sec. 1-3 through 1-5. *Reserved.*

## Article 2. Powers

Sec. 1-6. *Corporate powers.* The inhabitants of Buncombe County are constituted a body politic and corporate under the name of The Consolidated Government of Asheville and Buncombe County and under that name have perpetual succession; shall have a common seal and may alter and renew it at will; may sue and be sued; may contract; may acquire and hold all property and rights of property, real and personal, that may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it; and may hold, invest, sell or dispose of its property and rights of property.

Sec. 1-7. *Grant of county and municipal powers.* (a) Except as otherwise provided in this charter, or G.S. Chapter 160B, The Consolidated City-County Act of 1973, as amended, the consolidated government and its officers and employees may exercise and do enjoy (1) all the powers, duties, rights, privileges, and immunities that counties at or after the effective date of this charter may exercise and do enjoy under the Constitution and general laws



of the State of North Carolina; (2) all the powers, duties, rights, privileges, and immunities that incorporated municipalities at or after the effective date of this charter may exercise and do enjoy under the Constitution and general laws of the State of North Carolina; and (3) all the powers, duties, rights, privileges, and immunities that the City of Asheville or Buncombe County at the effective date of this charter could exercise and enjoy under special acts of the General Assembly of North Carolina. All these special acts applying to the City of Asheville or Buncombe County are continued and apply to the consolidated government except as expressly repealed by this charter or when clearly inconsistent with the provisions of this charter.

Except as otherwise provided in this charter, the consolidated government may exercise throughout its jurisdiction any power, duty, right, privilege or immunity granted to it by law.

In exercising and enjoying any power, duty, right, privilege or immunity, the consolidated government shall follow the procedures, if any, set out in this charter. If the charter contains a procedure that does not include all acts necessary to exercise the power, duty, right, privilege or immunity, the consolidated government shall supplement the charter procedure by applicable procedures set out in other statutes. If no procedure is set out in the charter, the consolidated government shall follow the procedure set out in any general or applicable local law granting the power, duty, right, privilege or immunity; and if two or more laws other than this charter grant the same power, duty, right, privilege or immunity, but with differing procedures, the consolidated government may proceed under either.



The procedure set out in any statute, when employed by the consolidated government, is deemed amended to conform to the structure and administrative organization of the consolidated government. If a statute refers to the governing body of a county or municipality, the reference, except as otherwise provided in this charter, means the Board of Commissioners; and a reference to a specific official means the official of the consolidated government who most nearly performs the same duties performed by the specified official. If there is doubt as to the appropriate official, the Board of Commissioners may by resolution designate an appropriate official to act as fully as if his office were specified in the statute.

(b) Except as provided in this subsection, the consolidated government may exercise within any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin that elect to continue as separate municipalities only those powers, duties, rights, privileges and immunities that Buncombe County could exercise county-wide before the effective date of this charter, or that North Carolina counties are, subsequent to the effective date of this charter, authorized by general law to exercise county-wide. The governing board of any town that elects to continue as a separate municipality, however, may agree to the exercise of any other power, duty, right, privilege or immunity of the consolidated government within the town.

## CHAPTER 2. BOARD OF COMMISSIONERS

### Article 1. Composition

Sec. 2-1. *Composition of Board of Commissioners; usage.* The Board of Commissioners of the consolidated government comprises eight commissioners and the Chief Executive. In this charter, in referring to the Board of Commissioners, the term "commissioner" is used interchangeably with the term "member;" the term "Board of Commissioners," unless the context clearly indicates otherwise, refers to the body that includes the eight commissioners and the chief executive.

Sec. 2-2. *Election; term of office.* The qualified voters of the entire consolidated government elect all the members of the Board of Commissioners. Members of the Board of Commissioners are elected to four-year terms and take office at the first regular meeting of the board in the December immediately following their election.

Sec. 2-3. *Vacancies.* A vacancy in the membership of the Board of Commissioners exists when a duly elected person fails to qualify or when a member who has been duly elected and has qualified either dies, resigns, or no longer meets the requirements of Article VI, section 8 of the North Carolina Constitution. Any such vacancy shall be filled pursuant to the provisions of G.S. 153A-27.1.

Sec. 2-4. *Compensation.* The initial compensation of the members of the Board of Commissioners is \$7,200 per annum. Thereafter the Board of

Commissioners may fix the compensation and allowances of its members by inclusion of the compensation and allowances in and adoption of the annual budget ordinance.

Sec. 2-5 through 2-8. *Reserved.*

## Article 2. Organization

Sec. 2-9. *Organizational meeting.* At the first regular meeting of the Board of Commissioners in the December immediately following each election for chief executive and membership on the Board of Commissioners, those persons elected shall take and subscribe the oath of office required by the North Carolina Constitution. A person absent from the organizational meeting may take and subscribe the oath at a later time.

Sec. 2-10. *Meetings.* (a) The Board of Commissioners shall fix the time and place of its regular meetings.

(b) The Board of Commissioners may hold a special meeting pursuant to either of the methods set out in this subsection. In addition to complying with the notice requirements set out in this subsection, the person or persons calling a special meeting shall cause the notice requirements of G.S. Chapter 143, Article 33B, applicable to the special meeting, to be complied with.

(1) During any regular meeting or duly called special meeting, the Board of Commissioners may call a special meeting by adopting a motion specifying the time, place, and purpose or purposes of the special



meeting. Only items of business included within the stated purpose of the meeting may be considered, unless the chief executive and all members of the Board are present or those absent have signed a written waiver.

(2) The chief executive, the chief executive pro tempore, or any three members of the Board of Commissioners may call a special meeting pursuant to this paragraph. Except for meetings called to deal with emergencies, the person or persons calling the meeting shall sign a written notice stating the time and place of the meeting and listing the items of business to be considered and shall cause the notice, at least 48 hours before the time of the special meeting, to be delivered to the chief executive and each member of the Board of Commissioners or left at that person's usual dwelling place. Only those items of business specified in the notice may be transacted at the meeting, unless the chief executive and all members are present or have signed a written waiver. If the meeting is called to deal with an emergency, the person or persons calling the meeting shall take reasonable action to inform the chief executive and the members of the Board of Commissioners of the meeting. Only business connected with the emergency may be discussed at such an emergency meeting.

(c) The Board of Commissioners may recess or adjourn any regular or duly called special meeting, to reconvene at a time and place certain.

Sec. 2-11. *Quorum.* Five members of the Board of Commissioners, or four members plus the chief executive, constitute a quorum. If a member of the Board or the chief executive withdraws from a meeting without being excused by

majority vote of those remaining, that person shall be counted as present for purposes of determining whether a quorum is present.

Sec. 2-12. *Voting.* In order for the Board of Commissioners to adopt an ordinance or take any other action, the measure must receive a majority of the votes cast, a quorum being present. The Board may excuse the chief executive or a member from voting, but only upon questions involving that person's own financial interest or his official conduct. (For purposes of this section, the question of the compensation and allowances of the chief executive or members of the Board does not involve the chief executive's or member's own financial interest or official conduct.) If, on any measure, the chief executive or a member is physically present in the room and without being excused fails to vote, or has withdrawn from the meeting without being excused pursuant to section 2-11 of this charter, that person shall be recorded as voting in the affirmative on that measure.

Sec. 2-13 through 2-17. *Reserved.*

### Article 3. Appointments

Sec. 2-18. *Chief legal officer.* The Board of Commissioners shall appoint a chief legal officer for the consolidated government, who shall serve at the Board's pleasure. The chief legal officer shall provide legal services for the consolidated government and each of its boards, commissions, and authorities not exempted from this section by the Board of Commissioners. The

chief legal officer may appoint necessary assistants and, with the approval of the Board of Commissioners, also may appoint special counsel to provide legal services of a special or extraordinary nature.

Sec. 2-19. *Consolidated government clerk.* The Board of Commissioners shall appoint the consolidated government clerk, who shall serve at the pleasure of the Board, and define the duties of the office.



## CHAPTER 3. CHIEF EXECUTIVE

### Article 1. Election

Sec. 3-1. *Election; term of office.* The qualified voters of the entire consolidated government elect the Chief Executive. The chief executive is elected to a four-year term. He assumes office at the first regular meeting of the Board of Commissioners in the December immediately following his election.

Sec. 3-2. *Chief Executive Pro Tempore.* At its organizational meeting after each election, the members of the Board of Commissioners shall elect from among their number a Chief Executive pro tempore, to serve at the pleasure of the Board of Commissioners. The chief executive pro tempore shall preside over meetings of the Board of Commissioners in the absence of the chief executive, but he has no right to break a tie vote in which he participated. If the chief executive is absent from the county, he may designate the chief executive pro tempore as acting chief executive during his absence; during that time, the chief executive pro tempore has all the powers, rights, duties, privileges, and immunities of the chief executive.

Sec. 3-3. *Temporary incapacity.* If the chief executive becomes physically or mentally incapable of performing the duties of his office, the members of the Board of Commissioners may by unanimous vote declare that he is incapacitated and confer any of his powers or duties on the chief executive pro tempore. Upon the chief executive's declaration that he is no longer incapacitated, concurred in by a majority of the members of the Board of

Commissioners, the chief executive may resume the exercise of his powers and duties.

Sec. 3-4. *Vacancy.* A vacancy in the office of chief executive exists when a duly elected person dies or refuses to qualify or when a person who has been elected and has qualified dies, resigns, or no longer meets the requirements of Article VI, section 8 of the North Carolina Constitution. The Board of Commissioners shall fill any vacancy in the office of chief executive in the manner provided for in G.S. 153A-27.1.

Sec. 3-5. *Compensation.* The initial compensation of the chief executive is \$40,000 per annum. Thereafter the Board of Commissioners may fix the compensation and allowances of the chief executive by inclusion of the compensation and allowances in and adoption of the annual budget ordinance.

Sec. 3-6 through 3-10. *Reserved.*

## Article 2. General Powers and Duties

Sec. 3-11. *General powers and duties.* The chief executive is the official head of the consolidated government. Consistent with the provisions of this charter, the chief executive has all the powers, duties, rights, privileges, and immunities granted to and imposed upon chairmen of boards of county commissioners and mayors of cities by the general law of North Carolina.

Sec. 3-12. *Presides at Board meetings; voting.* The chief executive shall preside at all meetings of the Board of Commissioners. He has the same right and responsibility to vote as a member of the Board, but may not vote to break a tie vote in which he participated.

Sec. 3-13. *Budget officer.* The chief executive is the budget officer of the consolidated government and possesses the powers and duties of that office under G.S. Chapter 159, Article 3 (The Local Government Budget and Fiscal Control Act).

Sec. 3-14. *Execution of laws.* The chief executive shall cause the laws of the State and the ordinances, resolutions, orders, and regulations of the consolidated government to be faithfully executed within the consolidated government's jurisdiction.

Sec. 3-15. *Contracts.* The chief executive or some other officer or employee designated by the Board of Commissioners shall sign each written contract or obligation of the consolidated government and each of its agencies, boards, commissions, or authorities that is not a unit of local government or public authority under the Local Government Budget and Fiscal Control Act. No contract or obligation subject to this section is binding on the consolidated government or the appropriate agency, board, commission, or authority until so signed.

Sec. 3-16. *Other powers and duties.* The chief executive possesses such other powers and duties as are set out elsewhere in this charter.



## CHAPTER 4. ADMINISTRATION

### Article 1. Administrative Organization

Sec. 4-1. *Initial administrative organization.* The initial administrative organization of the consolidated government is that of the merging governments on the effective date of the consolidated government and shall continue until changed by law or in accordance with the provisions of this charter.

Sec. 4-2. *Departmental organization.* The consolidated government initially shall be organized into at least the following staff departments: administration, employee services, finance, legal services, planning and development, and tax administration. The consolidated government also shall be organized into at least the following operating departments: child development, civic center, emergency services, employment and training, fire, library, police, public health, public works, recreation, social services, and water and sewer. The Board of Commissioners may abolish or consolidate any of the departments listed in this section and may establish additional departments.

Sec. 4-3. *Board of Commissioners may reorganize consolidated government.* The Board of Commissioners may create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the consolidated government, may impose ex officio the duties of more than one office on a single officer, may change the composition and manner of selection of boards, commissions, and agencies, and may generally organize and

reorganize the consolidated government in order to promote orderly and efficient administration of its affairs, subject to the following limitations:

- (1) The Board may not abolish an office, position, department, board, commission, or agency established or required by law.
- (2) The Board may not combine offices or confer certain duties on the same officer when this action is specifically forbidden by law.
- (3) The Board may not discontinue or assign elsewhere a function or duty assigned by law to a particular office, position, department, board, commission, or agency.
- (4) The Board may not change the composition or manner of selection of a board of education, the board of health, the board of social services, the board of elections, or a board of alcoholic beverage control.

Sec. 4-4 through 4-7. *Reserved.*

## Article 2. Chief Executive Powers

Sec. 4-8. *Chief executive's powers.* (a) Subject to the approval of the Board of Commissioners, the chief executive appoints the administrative officer and each department head whose appointment is not otherwise provided for by law.

(b) In accordance with the personnel policies adopted by the Board of Commissioners and subject to the provisions of Ch. 5, Article 2 of this charter, the chief executive appoints and removes each employee of the

consolidated government and its agencies, boards, commissions, and authorities whose appointment or removal is not otherwise provided for by law.

(c) The administrative officer serves at the pleasure of the chief executive, and the chief executive may remove the administrative officer at any time. Subject to the approval of the Board of Commissioners, the chief executive may remove the head of any staff department.

Sec. 4-9 through 4-13. *Reserved.*

### Article 3. Administrative Officer

Sec. 4-14. *Administrative officer.* The administrative officer shall be qualified by training and experience to perform the duties of the position in a professional manner and need not be a resident of the consolidated government at the time of appointment.

Sec. 4-15. *Powers and duties.* The administrative officer:

(a) Shall assist the chief executive in carrying out his responsibilities under this charter.

(b) Subject to the approval of the chief executive and the Board of Commissioners, may remove the head of any operating department.

(c) Shall supervise the activities of the departments of the consolidated government.

(d) Shall perform any other duties or responsibilities prescribed by the chief executive or the Board of Commissioners.



## CHAPTER 5. PERSONNEL

### Article 1. Personnel System

Sec. 5-1. *Personnel system authorized.* The Board of Commissioners shall establish by ordinance a system of personnel administration. The system may provide for the classification of positions; the qualifications for each position; the manner and method of publicizing vacancies and recruiting for positions; appointment and employment of personnel; a compensation plan; conditions of employment; evaluation, transfer, and promotion policies and procedures; discipline and termination policies and procedures; employee benefits; training of employees; and any other measures that promote the hiring and training of capable, diligent, honest career employees.

Sec. 5-2. *Coverage of system.* Except as provided in this section, the personnel system shall cover all officers and employees of the consolidated government. The system shall not cover elected officials except the chief executive, or employees of the Asheville City Board of Education and the Buncombe County Board of Education. In addition the system shall not initially cover employees of any board, commission, or agency whose employees, immediately before the effective date of the consolidated government, are not covered by the personnel system of either Buncombe County or the City of Asheville. However, the Board of Commissioners may at any time include the employees of such a board, commission, or agency under the consolidated government's personnel system. The Board may also include or remove from the personnel system the employees of any other board, commission, or agency of the consolidated government.

Employees of the Sheriff and the Register of Deeds are appointed, supervised, and discharged pursuant to the provisions of general law and of this charter and other local acts expressly applicable to them. The Board of Commissioners may make officers and employees who are subject to state or federal civil service regulations and procedures subject to the consolidated government's personnel ordinances in any manner consistent with state or federal law.

Sec. 5-3 through 5-5. *Reserved.*

## Article 2. Employee Relations Board

Sec. 5-6. *Board established.* The Board of Commissioners shall establish by ordinance an Employee Relations Board consisting of five members. The ordinance shall specify the length of members' terms, their qualifications, and their manner of appointment. Until such time as the Board of Commissioners acts under this section, the officers and employees of the merging governments shall continue to be subject to the personnel laws, ordinances, and regulations of their respective governments as those laws, ordinances, and regulations existed immediately before the effective date of the consolidated government.

Sec. 5-7. *Duties.* The Employee Relations Board:

(a) Shall recommend personnel policies and procedures to the Board of Commissioners and otherwise advise the Board of Commissioners, the chief



Employees of the Sheriff and the Register of Deeds are appointed, supervised, and discharged pursuant to the provisions of general law and of this charter and other local acts expressly applicable to them. The Board of Commissioners may make officers and employees who are subject to state or federal civil service regulations and procedures subject to the consolidated government's personnel ordinances in any manner consistent with state or federal law.

Sec. 5-3 through 5-5. *Reserved.*

## Article 2. Employee Relations Board

Sec. 5-6. *Board established.* The Board of Commissioners shall establish by ordinance an Employee Relations Board consisting of five members. The ordinance shall specify the length of members' terms, their qualifications, and their manner of appointment. Until such time as the Board of Commissioners acts under this section, the officers and employees of the merging governments shall continue to be subject to the personnel laws, ordinances, and regulations of their respective governments as those laws, ordinances, and regulations existed immediately before the effective date of the consolidated government.

Sec. 5-7. *Duties.* The Employee Relations Board:

(a) Shall recommend personnel policies and procedures to the Board of Commissioners and otherwise advise the Board of Commissioners, the chief



### Article 3. Sheriff's Personnel Advisory Board

#### Sec. 5-13. *Board continued; terms; qualifications; vacancies; removal.*

The Sheriff's Personnel Advisory Board, an agency of the Buncombe County Sheriff's Department heretofore created and existing, is continued. The Board has three members, appointed to three-year staggered terms by the senior resident Superior Court judge of the 28th Judicial District. To be eligible for appointment, a person must be interested in promoting a merit system of personnel administration, may not practice or have practiced in the criminal courts of Buncombe County, and may not hold elected office or office in a political party or have held such office in the three years immediately preceding the day of appointment.

The senior resident judge shall fill any vacancy on the Sheriff's Personnel Advisory Board, for the remainder of the unexpired term. The senior resident judge may remove any member of the Board for cause, after giving the member a copy of the charges against him and affording him a public hearing on the charges.

Sec. 5-14. *Compensation; chairman.* Members of the Sheriff's Personnel Advisory Board serve without compensation but are entitled to reimbursement for travel expenses incurred in the course of their duties. The Board shall annually elect one of its members as chairman.

#### Sec. 5-15. *Duties.* The Sheriff's Personnel Advisory Board:

(a) Shall represent the public interest in the improvement of personnel administration in the sheriff's department;

(b) Shall advise the sheriff concerning personnel administration and the development of personnel rules.

(c) Shall make any investigations that it considers desirable concerning personnel administration in the sheriff's department; and

(e) Shall hear appeals, receive evidence, determine facts, and make recommendations to the sheriff in case of employee appeals of suspension, demotion, or dismissal. This appeals jurisdiction does not extend to the chief deputy sheriff, the assistant chief deputy sheriff, or the administrative deputy sheriff.

Sec. 5-16. *General principles.* (a) All appointments and promotions in the sheriff's department shall be made solely on the basis of merit and fitness and without regard to race, religion, color, creed, or national origin.

(b) The tenure of employees covered by this article is subject to good behavior, satisfactory work performance, necessity for performance of work, and availability of funds.

(c) An employee who contends that he was demoted, suspended, or dismissed because of bias, political affiliation, or reasons other than merit, fitness, or availability of position or funds may appeal to the Sheriff's Personnel Advisory Board.

Sec. 5-17 through 5-19. *Reserved.*

#### Article 4. Limitations on Political Activity

Sec. 5-20. *Political activity limited.* (a) No officer or employee of the consolidated government or its boards, commissions, or agencies:

- (1) May engage in political activity while on duty.
- (2) May use supplies or equipment of the consolidated government for political purposes.
- (3) May coerce or attempt to coerce political contributions from any officer or employee or prospective officer or employee of the consolidated government.
- (4) May use his official authority or influence to secure support for or against a candidate or party.
- (5) May run for an elected office of the consolidated government, unless he takes an unpaid leave of absence, beginning on the day he files his notice of candidacy for the office and continuing either until he has been elected to the office or until he is no longer a candidate because he has withdrawn his candidacy pursuant to law or has been defeated in a primary or general election.

(b) Except for paragraphs (2) and (3) of subsection (a) of this section, this section does not apply to elected officials.

Sec. 5-21. *No undated letters of resignation.* No person may require any other person, as a condition of employment by the consolidated government or appointment to an office of the consolidated government, to sign an undated resignation letter.



Sec. 5-22. *Penalties for violation.* Any person who violates section 5-20 or 5-21 of this charter is guilty of a misdemeanor, and upon conviction may be fined up to \$1,000, imprisoned up to six months, or both, in the discretion of the court. In addition the criminal judgment shall also include an order removing such a person from his office or employment with the consolidated government.

Sec. 5-23. *Powers of Board of Commissioners.* The Board of Commissioners may adopt ordinances (1) interpreting and implementing sections 5-20 and 5-21 of this charter and (2) defining additional limitations on the political activity of officers and employees of the consolidated government.

## CHAPTER 6. BOARDS, COMMISSIONS, AND AUTHORITIES

### Article 1. General Provisions

Sec. 6-1. *Applicability of article.* Except as expressly provided by this charter, this article applies to each board, commission, or authority established or continued by this charter or hereafter created by or for the consolidated government.

Sec. 6-2. *Board of Commissioners appoint members.* Except as otherwise provided by law or ordinance of the Board of Commissioners, the Board of Commissioners appoints all members, except ex officio members, of the boards, commissions, and authorities of the consolidated government and fills vacancies in boards, commissions, and authorities, for the unexpired term.

Sec. 6-3. *Compensation.* The Board of Commissioners sets the compensation and allowances, if any, to be paid members of boards, commissions, and authorities.

Sec. 6-4 through 6-9. *Reserved.*

### Article 2. Alcoholic Beverage Control

Sec. 6-10. *Operations continue.* Except as provided in this article, the local alcoholic beverage control systems in effect immediately before the effective date of the consolidated government in the City of Asheville and, if

the Town of Black Mountain elects not to continue as a separate municipality, in the Town of Black Mountain shall continue to be operated pursuant to G.S. Chapter 18B and the local acts applicable to each system. If the Town of Black Mountain elects to continue as a separate municipality, nothing in this charter affects the powers and duties of the Black Mountain Board of Alcoholic Beverage Control.

Sec. 6-11. *Territorial jurisdiction.* The territorial jurisdiction of local alcoholic beverage control systems in the consolidated government, unless changed pursuant to law, is the territory of the Asheville urban service district and, if the Town of Black Mountain elects not to continue as a separate municipality, the territory of the Black Mountain urban service district.

Sec. 6-12. *Appointments.* The local alcoholic beverage control systems in the Asheville urban service district and, if Black Mountain elects not to continue as a separate municipality, the Black Mountain urban service district shall continue to be operated by separate boards of alcoholic beverage control, unless the Board of Commissioners provides for merger of the boards pursuant to G.S. 18B-703. The Board of Commissioners appoints the members of the local boards of alcoholic beverage control, who must be residents of the urban service district served by the system.

Sec. 6-13 through 6-15. *Reserved.*



### Article 3. Asheville City Board of Education

Sec. 6-16. *City Board of Education not affected.* Nothing in this charter affects the powers and duties of the Asheville City Board of Education.

Sec. 6-17. *Appointment.* The Board of Commissioners appoints the members of the Asheville City Board of Education. To be appointed and to serve as a member of the Asheville City Board of Education, a person must reside within the boundaries of the Asheville city school administrative unit.

Sec. 6-18 through 6-19. *Reserved.*

### Article 4. Buncombe County Board of Education

Sec. 6-20. *County Board of Education not affected.* Nothing in this charter affects the powers or duties of the Buncombe County Board of Education.

## CHAPTER 7. FINANCE

### Article 1. Revenue and Taxing Limitations

Sec. 7-1. *General authority to levy taxes and impose charges.* The consolidated government may levy and impose any fee or charge authorized by this charter or by the general laws of the state for cities or counties, subject to any limitations imposed by this charter or G.S. Ch. 160B, The Consolidated City-County Act of 1973, as amended.

Sec. 7-2. *Property tax administration.* Property in Buncombe county shall be listed, appraised, and assessed and taxes on property shall be levied and collected as provided by general law for counties, except as otherwise provided in this charter and G.S. Ch. 160B.

Sec. 7-3 through sec. 7-6. *Reserved.*

### Article 2. Financing Services of the Buncombe Service District and of Urban Service Districts

Sec. 7-7. *Districts established.* The Buncombe service district extends throughout Buncombe County. The Board of Commissioners may define urban service districts under procedures of general law. It is the intent of this charter that the Board of Commissioners will define as urban service districts the total area immediately before the effective date of this charter of the City of Asheville and the total area immediately before the effective date of

this charter of any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, or Woodfin whose citizens elect not to continue their town as a separate municipality.

Sec. 7-8. *Allocation of costs.* All services, facilities and functions provided or maintained by the consolidated government shall be provided or maintained throughout the Buncombe service district, except for:

(1) Any service, facility or function provided or maintained only for one or more urban service districts, and

(2) Any service, facility or function provided or maintained to a greater extent for one or more urban service districts than for the entire county.

If any service, facility or function is provided or maintained only for one or more urban service districts, the costs of providing or maintaining the service, facility or function for each urban service district shall be allocated to that district. If a service, facility or function is provided or maintained for an urban service district to a greater extent than for the Buncombe service district, the costs of providing or maintaining it at a higher level for the district shall be allocated to that district.

The costs of providing or maintaining for an urban service district a service, facility or function in addition to, or to a greater extent than, those provided throughout the Buncombe service district include operating, maintenance and repair expenses, capital improvement costs, and the appropriate share of debt service on bonds or notes issued to finance capital improvements associated with the service, facility or function.



The Board of Commissioners shall determine an equitable basis for allocating the costs of administrative services of the consolidated government among services, facilities and functions.

Sec. 7-9 through 7-12. *Reserved.*

### Article 3. Allocation of Revenues

Sec. 7-13. *Revenues allocated to the Buncombe service district.* The following revenues shall be allocated to the Buncombe service district:

(a) Beer and wine crown tax receipts. The entire portion of the beer and wine crown tax returned to the consolidated government pursuant to G.S. 105-113.86.

(b) Excise stamp tax. Proceeds of the excise stamp tax on conveyances levied by G.S. Ch. 105, Article 8E.

(c) Privilege license tax. Proceeds of any privilege license tax levied countywide.

(d) Animal tax. Proceeds of any animal tax levied pursuant to G.S. 153A-153.

(e) Cable television franchise tax. Proceeds of any cable television franchise tax levied pursuant to G.S. 153A-137.

Sec. 7-14. *Revenues allocated to urban service districts.* (a) State street aid. State street aid funds, appropriated from the State Highway Fund

pursuant to G.S. 136-41.1 to 136-41.3, shall be allocated to each urban service district on the same basis as if each district were a city or town.

(b) Motor vehicle license taxes. Proceeds of motor vehicle and taxicab license taxes, levied pursuant to G.S. 160B-11, shall be allocated to the urban service district from which collected.

(c) Franchise tax receipts. The share of the state franchise tax on public service companies levied by G.S. Ch. 105, Article 3, that is due the consolidated government by reason of the sale of public service company commodities and services within an urban service district shall be allocated to the urban service district from which it was collected.

(d) Privilege license tax. The proceeds of any privilege license tax levied only in one or more urban service districts shall be allocated to the urban service district from which collected.

(e) Traffic penalties. Civil penalties collected and retained by the consolidated government for violations of traffic ordinances pertaining to a single urban service district shall be allocated to the urban service district in which the violation occurred.

Sec. 7-15. *Distribution of sales and use tax proceeds.* Sales tax receipts distributed to Buncombe County pursuant to G.S. Ch. 105, Article 39 shall be divided among the Buncombe service district and any urban service districts as if the Buncombe service district were a county and each urban service district were a city.

Sec. 7-16. *Distribution of intangibles tax proceeds.* The intangibles tax proceeds distributed to Buncombe County under G.S. 105-213 shall be

divided among the Buncombe service district and any urban service districts as if the Buncombe service district were a county and each urban service district were a city.

Sec. 7-17. *General revenue sharing.* The entire portion of all funds made available to the consolidated government under the State and Local Fiscal Assistance Act shall be allocated among the Buncombe service district and each urban service district as if the Buncombe service district were a county and each urban service district were a city.

Sec. 7-18. *ABC profits.* The profits distributed from ABC stores in an urban service district shall be allocated 75 per cent to the urban service district and 25 per cent to the Buncombe service district.

Sec. 7-19. *Arrest fees.* The arrest fee provided for in G.S. 7A-304(a)(1) shall be allocated between the Buncombe service district and each urban service district in proportion to law enforcement expenditures in each district in the previous fiscal year.

Sec. 7-20. *Fees and charges.* All fees and charges imposed by the consolidated government for a particular service, facility, or function shall be allocated to the service district in which the service, facility, or function is provided or maintained. If a particular service, facility or function is provided or maintained for the Buncombe service district and to a greater extent for one or more urban service districts, the Board of Commissioners shall determine the proportionate allocation of the fee or charge.



## CHAPTER 8. CONTINUING MUNICIPAL CORPORATIONS

### Article 1. Relationship to Consolidated Government

Sec. 8-1. *Included within Buncombe service district.* The citizens of any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin that continue as separate municipalities are citizens of the consolidated government as well and are entitled to services, facilities and functions that are provided or maintained by the consolidated government for citizens of the Buncombe service district.

Sec. 8-2. *Limitation on powers.* (a) Except as expressly provided, this charter does not abridge the authority of any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin that continues as a separate municipality to enjoy and be subject to all the powers, duties, rights, privileges and immunities that incorporated municipalities enjoy and are subject to at or after the effective date of the consolidated government under the Constitution and general laws of the State of North Carolina and to all the powers, duties, rights, privileges and immunities that the town at or after the effective date of the consolidated government enjoys and is subject to under its charter.

(b) No town that continues as a separate municipality may annex territory included within an urban service district of the consolidated government unless the Board of Commissioners by resolution agrees.

Sec. 8-3 through 8-5. *Reserved.*

Article 2. Consolidating a Town with the Consolidated Government

Sec. 8-6. *Authority.* At any time after the effective date of the consolidated government, any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin that continues as a separate municipality may be abolished and its powers, duties, rights, privileges and immunities consolidated with those of, and exercised by, the consolidated government.

Sec. 8-7. *Procedure.* Any of the towns may consolidate with the consolidated government if, at a town referendum held on the question of whether the town should consolidate, a majority of those voting vote for consolidation. The town's governing board shall cause a referendum to be held within 120 days after (1) the board has passed an ordinance provisionally consolidating the town with the consolidated government, or (2) the board has been presented with a petition for consolidation signed by at least 10 per cent of the registered voters of the town. The town's governing board shall notify the Board of Commissioners in writing of the results of the referendum.

Sec. 8-8. *Effective date.* The effective date of consolidation shall be the July 1 next following the referendum.

Sec. 8-9. *Cooperation and transition.* The officers and employees of the consolidated government and the town shall cooperate with each other in bringing about an orderly consolidation. On the effective date of consolidation, the terms of office of all elected officials of the town automatically terminate and the offices are abolished.

Sec. 8-10. *Continuation, transfer of assets and liabilities.* Upon consolidation, the provisions of sections 10-1 through 10-6 of this charter shall apply as appropriate to the consolidating town as though it were consolidating at the effective date of the consolidated government.



## CHAPTER 9. MISCELLANEOUS PROVISIONS

### Article 1. Elections

Sec. 9-1. *Elections follow general county law.* Except as otherwise provided in this charter, G.S. Chapter 163 governs the election of the chief executive and members of the Board of Commissioners. The chief executive and the commissioners are elected in the manner provided in G.S. Chapter 163 for county commissioners.

Sec. 9-2. through 9-4. *Reserved.*

### Article 2. Continuing Officers

Sec. 9-5. *Sheriff.* The office and duties of sheriff of Buncombe County continue within the consolidated government as provided in the Constitution and laws of North Carolina.

Sec. 9-6. *Register of deeds.* The office and duties of register of deeds of Buncombe County continue within the consolidated government as provided in the laws of North Carolina.

Sec. 9-7. through 9-9. *Reserved.*

### Article 3. Formation of Other Political Subdivisions

Sec. 9-10. *Procedure; Board of Commissioners' consent.* The Board of Commissioners' consent must be obtained before any political subdivision, whether a municipal corporation, special district or other similar tax-levying or revenue-raising governmental agency, board, commission, authority or entity, may be established to operate within the jurisdiction of the consolidated government. Any person petitioning a state, county, or municipal governmental body for the creation of a political subdivision within the jurisdiction of the consolidated government shall file with the Board a certified copy of the petition at the same time he files the petition with the other governmental body. If the Board fails to adopt a resolution either withholding or giving consent to the petition by its second regular meeting following receipt of the petition, it is deemed to have consented. If the Board withholds consent, the petition and other action taken on it by any other governmental body is of no effect, and no similar petition may be submitted until 180 days after the day the resolution withholding consent was adopted. If the Board consents, the petition shall be acted on according to the procedure established by law for the creation of the proposed political subdivision.

Sec. 9-11. through 9-12. *Reserved.*

Article 4. Changes in Form and Structure of Government

Sec. 9-13. *Authority to modify the form and structure of government.*

The Board of Commissioners and voters may amend this charter to modify the structure of the Board with respect to matters specified in G.S. 153A-58(1), (2), and (3).

Sec. 9-14. *Method.* Modification of the structure of the Board of Commissioners may be made pursuant to the procedures set forth in G.S. Chapter 153A, Article 4, Part 4.



## CHAPTER 10. CONTINUATION AND TRANSITION

### Article 1. Continuation

Sec. 10-1. *Continuation of ordinances and regulations.* All ordinances and resolutions of Buncombe County, the City of Asheville and any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin that elect not to continue as separate municipalities that are in force immediately before the effective date of the consolidated government and that are not inconsistent with this charter continue in full force and effect within the area in which they applied. They become ordinances and resolutions of the consolidated government and shall continue in force until repealed or amended by the Board of Commissioners. All orders, rules and regulations made by any officer, agency, board, commission or authority of Buncombe County, the City of Asheville or any of the towns that elect not to continue as separate municipalities that are in force immediately before the effective date of the consolidated government and that are not inconsistent with this charter also continue in force within the area in which they applied until repealed or amended by the appropriate officer, agency, board, commission or authority of the consolidated government.

Sec. 10-2. *Continuation of hearings and proceedings.* All petitions, hearings and other proceedings pending before any officer, office, department, agency, board, commission or authority of Buncombe County, the City of Asheville or any of the towns that elect not to continue as separate municipalities continue and remain in full force and effect, even if the officer,

office, department, agency, board, commission or authority has been abolished or consolidated by this charter. The petition, hearing, or proceeding shall be completed by the officer, office, department, agency, board, commission or authority of the consolidated government that succeeds to the powers, duties, rights, privileges and immunities of the abolished or consolidated agency.

Sec. 10-3. *Transfer of assets and liabilities.* On the effective date of the consolidated government: (a) All property, real and personal and mixed, belonging to Buncombe County, the City of Asheville and any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin that elect not to continue as separate municipalities vests in, belongs to and is the property of the consolidated government.

(b) All judgments, liens, rights of liens and causes of action of any nature in favor of any of the governments listed in subsection (a) vest in and remain inure to the benefit of the consolidated government.

(c) All rentals, taxes, assessments and any other funds, charges or fees owing to any of the governments listed in subsection (a) are owed to and may be collected by the consolidated government.

(d) Any action, suit, or proceeding pending against, or having been instituted by, any of the governments listed in subsection (a) shall not be abated by this charter or by consolidation, but shall be continued and completed in the same manner as if consolidation had not occurred. The consolidated government shall be a party to all these actions, suits and proceedings in the place and stead of the merging government and shall pay or cause to be paid any judgment rendered against that government in any of these



actions, suits or proceedings. No new process need be served in any of the actions, suits or proceedings.

(e) All obligations, contracts, and agreements, including the city-county water agreement, of the governments listed in subsection (a), except outstanding general obligation bonds and bond anticipation notes of the City of Asheville and of any of the towns that elect not to continue as separate municipalities, are assumed by the consolidated government, and all these obligations, contracts, and agreements so assumed are constituted obligations, contracts, and agreements of the consolidated government. The full faith and credit of the consolidated government is deemed to be pledged for the punctual payment of the principal of and interest on all general obligation bonds and bond anticipation notes assumed by the consolidated government pursuant to this section, and all the taxable property within the consolidated government shall be and remain subject to taxation for these payments. The consolidated government, in order to provide for retiring the outstanding general obligation indebtedness of the City of Asheville and of any of the towns that elect not to continue as separate municipalities, shall also levy each year within the area, as it existed immediately before the effective date of this charter, of the City of Asheville and of any such town, whatever taxes are necessary for that purpose. In addition, the consolidated government shall comply with any outstanding covenants previously entered into by the City of Asheville, by which the City pledged revenues other than taxes to the retirement of the City's general obligation indebtedness. It is the intention of this charter that all outstanding general obligation water bonds of the City of Asheville continue to be retired from water revenues.



Sec. 10-4. *Continuation of officers and employees.* On the effective date of the consolidated government, all officers and employees of the governments of Buncombe County, the City of Asheville and any of the towns that elect not to continue as separate municipalities become officers and employees of the consolidated government.

In providing for the continuation of the employment of each officer and employee of the consolidating governments, the Board of Commissioners shall, to the extent that it is feasible to do so, arrange for each officer and employee to perform the same or similar duties and responsibilities in his employment with the consolidated government that he performed prior to consolidation.

No former officer or employee of the governments of Buncombe County, the City of Asheville, or any of the consolidated towns has promotion rights, benefits, privileges or opportunities solely by virtue of the personnel policies of that government. The promotion rights, benefits, privileges and opportunities of any employee of the consolidated government are subject to the personnel policies adopted by or approved by the Board of Commissioners.

The Board of Commissioners shall resolve all questions, issues and interpretations arising under this section.

Sec. 10-5. *Continuation of offices.* All offices, departments, committees, agencies, boards, commissions and authorities, including the Asheville-Buncombe Water Authority, however denominated heretofore created pursuant to general law or special acts of the General Assembly, or by resolutions or ordinances of the City Council of Asheville, the Buncombe Board of County Commissioners, or the governing board of any town that elects not to

continue as a separate municipality or by joint resolutions of any two or more of these governing bodies are continued with the same duties, functions and responsibilities except as expressly provided by this charter or other acts of the General Assembly.

Sec. 10-6. *Members, officers and employees of boards and agencies.*

Except as otherwise provided in this charter, the members, officers and employees of all agencies, boards, commissions and authorities continue as members, officers and employees of those agencies, boards, commissions and authorities and shall continue to perform the duties and enjoy the powers, rights, privileges and immunities they possessed immediately prior to the effective date of the consolidated government. Nothing in this section impairs the authority of the consolidated government with respect to those boards, commissions, authorities and agencies or to any of their members, officers or employees.

Article 2. Transition

Sec. 10-7. *Effective date.* The Consolidated Government of Asheville and Buncombe County becomes effective December 3, 1984.

Sec. 10-8. *Effect on city and town elections and officeholders.* In the municipal elections held in 1983 in the City of Asheville and in any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin that elects not to continue as a separate municipal corporation, the candidates will run for and be elected to terms that end on the effective date



of the consolidated government. In addition, the term of office of any person serving on the governing board or as mayor of a town that elects not to continue as a separate municipal corporation and who was elected in 1981 to a four-year term is terminated on the effective date of the consolidated government.

Sec. 10-9. *Effect on 1984 county elections.* The primaries and election for membership on the Buncombe County Board of Commissioners and for Buncombe County tax collector, scheduled for May and November 1984, shall not be held. The persons elected to the board of county commissioners in the 1982 election shall serve until the effective date of the consolidated government. The person elected to the office of tax collector in the 1980 election shall serve until July 1, 1985, at which time the Board of Commissioners shall appoint a tax collector pursuant to general law.

Sec. 10-10. *Initial consolidated government election.* Pursuant to section 9-1 of this charter, the initial election for chief executive and membership on the Board of Commissioners shall be held in 1984 and conducted in the manner provided in G.S. Chapter 163 for election of county commissioners. The persons elected in the 1984 election are elected to four-year terms of office, as provided in sections 2-2 and 3-1 of this charter.

Sec. 10-11. *Initial organizational meeting.* The chief executive and members of the Board of Commissioners elected in the initial election shall meet at noon on December 3, 1984, in the Commissioners room of the Buncombe County courthouse. At that time those persons shall take the oath of office



and hold the initial organizational meeting for the purposes set forth in section 2-9 of this charter. The chief executive-elect shall arrange for the oaths to be administered.

Sec. 10-12. *Transitional budgets.* The 1984-85 budget ordinances as adopted and amended by Buncombe County, the City of Asheville, and any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin that elect not to continue as separate municipalities shall be administered in accordance with their terms by the Board of Commissioners and officers of the consolidated government. Appropriations in the 1984-85 budget ordinance of a consolidating municipality shall be expended as provided in that ordinance for the benefit of the citizens within the territory comprising that municipality immediately before the effective date of the consolidated government. The Board of Commissioners may, however, amend the 1984-85 budget ordinance of any consolidating government as adopted by that government in any manner and for any purpose for which that government could have made an amendment in the absence of consolidation.

Sec. 10-13. *Transition committee.* (a) There shall be a transition committee. It shall consist of the chairman of the Buncombe County board of commissioners and two other commissioners selected by the board; the Mayor of the City of Asheville and two members of the Asheville city council selected by the council; and the mayor or a governing board member, as determined by the governing board, of each other town in the county whose voters elect to consolidate with Buncombe County. The board of county commissioners and the

Asheville city council shall jointly set and pay the compensation and allowances, if any, to be paid to members of the committee. The committee expires January 1, 1985.

(b) The transition committee shall meet within 45 days after enactment of this charter by the General Assembly, upon the call of the chairman of the board of commissioners of Buncombe County. At its first meeting, the committee shall elect a chairman and may elect other officers, and shall adopt its rules of procedure.

(c) The transition committee shall consider, report on, and make recommendations to the governing boards of the merging governments and the chief executive and members of the Board of Commissioners of the consolidated government on all matters relating to the transition to consolidation and the form and structure of the consolidated government's administration.

(d) The board of county commissioners and the Asheville city council shall each appropriate to the transition committee adequate funds for the committee's performance of its duties.

Sec. 10-14. *Cooperation in transition.* After this charter is enacted by the General Assembly and until the effective date of the consolidated government, the officers and employees of Buncombe County, the City of Asheville, and any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin that elect not to continue as separate municipalities and all boards, commissions, authorities, and agencies thereof shall cooperate with each other in taking all appropriate steps to the end that the transition to the consolidated government is orderly and without disruption or impairment of regular governmental services and functions.

## CHAPTER 11. INTENT AND SEVERABILITY

Sec. 11-1. *Intent and severability.* The people residing within the area of the consolidated government declare that by the adoption of this charter it is their intent to consolidate the governmental and corporate functions of the County of Buncombe, the City of Asheville, and any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin that elect not to continue as separate municipalities, so that the consolidating governments may be operated as one governmental entity in the interest of efficient, economical, responsive and responsible democratic government. This charter shall continue in full force and effect even if any of its severable provisions not essential to this objective is held unconstitutional or void, and each provision of this charter is severable from each other provision.



## GENERAL LAW AMENDMENTS

A number of proposals of the Asheville-Buncombe Charter Commission will necessitate minor changes in the general, statewide law. The legislation necessary to make these changes is set out below:

I. G.S. 157-39.1 is amended by adding a new sentence after the first sentence, to read as follows: "In a consolidated city-county, as defined in G.S. 160B-2, if a housing authority was in existence in the largest municipality in the county immediately before establishment of the consolidated city-county, that housing authority has an area of operation that includes the entire county."

[This amendment of the housing authorities statute extends the territorial jurisdiction of the present Asheville Housing Authority to include the entire county. Currently, the authority's jurisdiction extends for ten miles outside Asheville.]

II. G.S. 159-26(b)(2) is rewritten to read as follows:

"(2) Special Revenue Funds.--One or more separate funds shall be established for each of the following: (i) functions or activities financed in whole or in part by property taxes voted by the people; (ii) service districts established pursuant to the Municipal or County Service District Acts; (iii) urban service districts established pursuant to the Consolidated City-County Act; and (iv) grant project ordinances. If more than one function is accounted for in a voted tax fund or urban service district fund, or more than one district in a service district fund, or more than one

grant project in a project fund, separate accounts shall be established in the appropriate fund for each function, district, or project."

[This amendment of the Local Government Budget and Fiscal Control Act requires a separate fund for each urban service district.]

III. G.S. 160B-11 is amended by rewriting paragraph (3) to read as follows:

"(3) Privilege License Taxes. A consolidated city-county may levy any privilege license tax authorized for cities either throughout the county or only within urban service districts, in the discretion of the governing board of the consolidated city-county."

[This amendment permits the consolidated government to levy city privilege license taxes either countywide or only in the urban service districts.]

IV. G.S. Chapter 160B, Article 3 is amended by rewriting the catch line of the article as "Levy of Taxes" and by adding a new G.S. 160A-11.1, to read as follows:

"§160B-11.1. Countywide property taxes.--In levying property taxes throughout the county, a consolidated city-county is subject to the authorizations and limitations set out for counties generally in G.S. 153A-149."

[This amendment makes clear that consolidated governments are subject to county tax limits with respect to levy of countywide property taxes.]



## ACKNOWLEDGMENTS

The members of the Asheville-Buncombe Charter Commission express their deep appreciation to the citizens of Buncombe County for their suggestions and support during the course of this work, to the members of the North Carolina General Assembly who represent Buncombe County for their guidance, and to the officials of Buncombe County, the City of Asheville, and the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin for their assistance and recommendations. The Commission acknowledges with thanks the staff assistance it received from the Institute of Government, The University of North Carolina at Chapel Hill, and the Land-of-Sky Regional Council.

### Members of the General Assembly

Sen. James McClure Clarke  
Sen. Robert S. Swain  
Rep. Marie W. Colton

Rep. Narvel J. Crawford  
Rep. Gordon H. Greenwood  
Rep. Martin L. Nesbitt

#### Buncombe County Board of Commissioners

R. Curtiss Ratcliff,  
Chairman  
J. D. Jackson  
Doris P. Giezantanner  
Jesse I. Ledbetter  
Robert E. Riddle

#### Asheville City Council

Roy M. Trantham, Mayor  
Mary Lloyd Frank  
Larry S. McDevitt  
Gordon S. Myers  
Paul Joseph Pless  
Norma T. Price  
H. C. Wilkes  
Kenneth M. Michalove,  
Manager

#### Biltmore Forest Commissioners

Canie B. Smith, Mayor  
Philip K. Bitter  
Robbie W. Hambright  
E. Glenn Kelly  
Robert Musselwhite,  
Administrator

#### Black Mountain Board of Aldermen

Tom Sobol, Mayor  
Carl Bartlett  
Michael Begley  
Gay Fox  
Steve King  
Doug Stafford  
Al Richardson, Manager

#### Montreat Commissioners

John K. Abernathy, Mayor  
E. A. Andrews, Jr.  
Ivan B. Stafford  
Pete Post, Administrator

#### Weaverville Town Council

Lawrence T. Sprinkle, Mayor  
Glenn Brank  
Robert Cheek  
Bill Shope  
L. A. Weaver  
M. J. West  
Larry Sprinkle, Manager

#### Woodfin Board of Aldermen

Coy F. Rice, Mayor  
Leonard Kim Clark  
Irene Honeycutt  
John B. Maney  
Jack H. Penland  
Kermit Penley  
Roy W. Pope

#### Institute of Government

David Lawrence  
Jake Wicker

#### Land-of-Sky Regional Council

Robert E. Shepherd



THE ASHEVILLE-BUNCOMBE CHARTER COMMISSION

<u>Appointed by</u>	<u>Member</u>
Buncombe County Representatives in the General Assembly	Larry J. Carter Max O. Cogburn, Jr. J. Weldon Weir
Buncombe County Board of Commissioners	James M. Baley, Jr. Thomas F. Dabney, Jr. Floyd D. Brock Sandra Byrd Dale E. Lance J. Donald Williams
Asheville City Council	Barbara Keleher Harold C. Enloe Robert J. Robinson Dr. Cecil E. Sherman Joe L. Webster Linda Winner
Biltmore Forest Commissioners	John F. Shuford
Black Mountain Board of Aldermen	Rev. Edgar E. Ferrell
Montreat Commissioners	Dr. Alfred O. Canon
Weaverville Town Council	William C. Reeves
Woodfin Board of Aldermen	Arthur Morgan
Asheville-Buncombe Charter Commission	Cary C. Owen