

**SUMMARY OF AMENDED PRELIMINARY CHARLOTTE-MECKLENBURG
METROPOLITAN GOVERNMENT CHARTER
(AS PREPARED BY THE CHARTER COMMISSION)
JUNE 19, 1996**

INTRODUCTION

This Summary is designed to provide a brief explanation of several key concepts of the Amended Preliminary Charter and of consolidation which will assist in gaining an understanding of how the proposed consolidated city-county government would operate. The Amended Preliminary Charter is subject to change as consolidation is considered by the Charlotte City Council, the Mecklenburg County Board of Commissioners, and the North Carolina General Assembly.

GENERAL PROVISIONS

The Amended Preliminary Charter would consolidate the powers, duties, rights, privileges, functions and immunities of the City of Charlotte with those of Mecklenburg County, to be exercised by a government known as "Charlotte-Mecklenburg Metropolitan Government" or "Metro-Government". The Metro-Government would have all of the powers of both a city and a county and would perform all the duties and serve all the purposes required of counties under the Constitution and laws of the State of North Carolina.

FORM OF GOVERNMENT

The Amended Preliminary Charter provides for an 11-member Council, with 6 members nominated in and elected from 6 districts and 5 members elected at large. The 6

districts would be the current districts for the Mecklenburg County Board of Commissioners and the Charlotte-Mecklenburg Board of Education.

The presiding officer of the Council would be designated as "Mayor" and would be elected at large. All elections would be partisan. The Mayor would have no vote except in the event of ties, on protested zoning petitions, and on the selection/dismissal of the Metro-Government Manager, Attorney and Clerk. The Mayor would have the right to veto any action adopted by the Council except for certain appointments, the adoption of the budget, and matters which must be approved by the voters. Any action vetoed by the Mayor could be overturned by the vote of 7 members of the 11-member Council. The Mayor would also have one-third of all appointments.

The Mayor and the members of Council would be elected initially for three-year terms beginning December 7, 1998, following the schedule for electing county commissioners. Beginning in 2001, the Mayor and the members of the Council would be elected for two-year terms following the schedule for municipal elections.

The Mayor and Council would select a Manager who would be the chief administrator of the Metro-Government. He would be responsible to the Council for the administration of all departments of the Government under the Council's general control. The Mayor and Council would also select the Metro-Government Attorney and Clerk.

The Metro-Government Council would have the same relationship to City and County offices and agencies as currently exists between the Board of County Commissioners and its offices and agencies, and between the City Council and its offices and agencies. Examples of such offices and agencies include the following: Auditorium-Coliseum-Convention Center

Authority, Housing Authority, Board of Education, Board of Elections, Public Library of Charlotte and Mecklenburg County, Register of Deeds, and Sheriff.

SERVICE DISTRICTS

The Metro-Government Council would be authorized to levy property taxes County-wide to pay for services which are to be provided throughout the County. Under the statutes which govern consolidated cities-counties, the geographical area formerly within the Charlotte City limits would become the "Charlotte Urban Service District". The Metro-Government Council would also be able to levy additional property taxes within the urban service district to pay for services which are only provided within the urban service district, or which are provided to a greater extent within the urban service district than are provided County-wide. As areas adjacent to the urban service district become urbanized, the Metro-Government Council could annex these areas into the urban service district.

The Amended Preliminary Charter also proposes that the Metro-Government would have the authority to create a suburban service district consisting of the entire area outside of the urban service district which is also outside of the corporate limits of the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville (the area now referred to as the unincorporated area). The Metro-Government would have the authority to levy additional property taxes within the suburban service district to pay for services not provided County-wide which are provided within the suburban service district, or which are provided to a greater extent within the suburban service district than are provided County-wide.

POWERS OF METRO-GOVERNMENT

The Metro-Government would have all the powers which are granted to counties to provide services County-wide (including within the Towns) and to provide services in the suburban service district. Some of the services which the Metro-Government would have the authority to provide County-wide are as follows: public health, social services, mental health, and parks. The County-wide tax rate could also provide funds to support services such as the schools, libraries, elections, Sheriff's Office and Register of Deeds.

The Metro-Government would also have all of the powers of a municipality, and would be able to exercise those powers within the urban service district. In addition, the Amended Preliminary Charter proposes that some powers which are currently exercisable only by municipalities within their corporate limits could be exercised by the Metro-Government in the suburban service district. Those services which can be provided both within the urban service and in the suburban service district are set forth in Chapters 5 and 6 of the Amended Preliminary Charter. The authority to maintain and regulate streets, to levy a motor vehicle tax, and expanded authority to levy a business license tax are significant municipal powers which the Amended Preliminary Charter would authorize the Metro-Government to exercise in the suburban service district.

The Amended Preliminary Charter and the companion legislation also propose to carry forward for the Metro-Government all powers currently exercisable by either Mecklenburg County or the City of Charlotte and, except as provided in Chapters 5 and 6, restrict the exercise of these powers by the Metro-Government to the areas within which either the City of Charlotte or Mecklenburg County could exercise the powers currently granted to these governments.

CONTINUING MUNICIPAL CORPORATIONS

The Amended Preliminary Charter provides that it will not interfere with the authority of any of the Towns to enjoy the powers which they have as municipalities. It further provides that no municipality may exercise any power within the urban service district of the Metro-Government, and that the annexation agreements (sometimes referred to as spheres of influence agreements) entered into between the Towns and the City of Charlotte would continue and would be enforceable in accordance with their terms.

CHANGES IN FORM AND STRUCTURE OF METRO-GOVERNMENT

The Amended Preliminary Charter provides, much like current law available to cities and counties, that certain aspects of the form of the Metro-Government could be changed without the necessity of obtaining permission from the General Assembly. These include changes in the name of the government, in the name of the governing board, in the terms of office of members of the governing board, in the number of members of the governing board, in the mode of election of the governing board, in whether elections are partisan or non-partisan, in the method of selection of the Mayor, and in whether the government would be operated under the council-manager form of government or some other form of government. The method for making any of these changes differs from current City-County authority. The Amended Preliminary Charter proposes that such changes could be made only if approved by the voters in a referendum called either by the Council or by a stated number of voters of the Metro-Government.

SUMMARY OF CHANGES MADE BY CHARTER COMMISSION

The following is a summary of changes made by the Charlotte-Mecklenburg Charter Commission to the Preliminary Charter prepared by the Charlotte-Mecklenburg Charter Drafting Committee:

- (1) **Composition of Council.** Sections 2-1, 10-5 and 11-1 were revised to change from a Council consisting of 18 members, with 12 members nominated and elected from 6 districts, and 6 members elected at large, to a Council consisting of 11 members, with 6 members being nominated in and elected from 6 districts, and 5 members being elected at large.
- (2) **Transportation Authority.** Chapter 4 was amended by adding a new Article 3 which would reflect the general powers granted to municipalities in the North Carolina Public Transportation Authorities Act to create transportation authorities.
- (3) **Creation of Aviation Authority.** Chapter 4 was amended by adding a new Article 4 which would authorize the Metro-Government Council to create an Aviation Authority to own and operate Charlotte-Douglas International Airport and other airport facilities.
- (4) **Revision of Special Budgetary Provisions.** Article 5 of the Enabling Legislation was amended to change the percentage vote required for the Transitional Governing Board or the Metro-Government Council to lawfully adopt or amend a budget ordinance for the Metro-Government for any of the first five (5) fiscal years in excess of the Net Adjusted Combined Appropriations as defined in that Article from a two-thirds (2/3) vote to a three-fourths (3/4) vote.

- (5) **Schedule of Elections.** A new Article 4 was added to the Enabling Legislation to provide that those persons initially elected to the offices of Mayor and Metro-Government Council members would be elected in November, 1998, for terms of office of three (3) years with these elections conducted following statutory provisions governing the election of county commissioners. Thereafter, elections would be held as provided in Section 12-91 of the Amended Preliminary Charter in odd-numbered years following the procedures and schedule for conducting municipal elections.
- (6) **Technical Changes.**
- (A) **Name of Urban Service District.** Section 1-31(a) of the Amended Preliminary Charter provides that the name of the Urban Service District initially established to include the area of the former City of Charlotte would be known as the "Charlotte Urban Service District" to make certain that after consolidation there would still be a geographical area having the name "Charlotte".
- (B) **Director of Elections.** Sections 3-21(b) and 12-1 were revised to reflect that the title of the individual primarily responsible for the conduct of elections in each county was changed by the General Assembly from "supervisor of elections" to "director of elections".
- (C) **Connection of Sanitation Facilities.** The phrase "within urban service districts" was deleted from the first section of Section 6-4 to reflect the fact that the final decision of the Charter Drafting Commission on this matter was

to allow the Metro-Government to exercise powers related to the connection of sanitation facilities throughout all areas where the Metro-Government provided such services. This phrase was left in this section by mistake when portions of the Charter were rearranged after the Charter Drafting Commission changed its initial decision not to allow any municipal powers to be exercised county-wide.

- (D) *Extraterritorial Jurisdiction of City Police Officers.* Section 9-1(b) was amended by adding an additional sentence to make it clear that the Amended Preliminary Charter would not limit the existing ability of any municipal police officer to exercise law enforcement authority within one mile of the officer's municipality - including the authority to exercise such powers within another municipality or within the urban service district of the Metro-Government as long as the officer remains within one mile of his/her own municipality.
- (E) *Continuation of Annexation Agreements.* Section 9-2 was amended to add the names of Concord, Marvin and Harrisburg to the list of those municipalities with which the City of Charlotte executed annexation agreements.
- (F) *\$30.00 Motor Vehicle Tax.* The reference to the local act which authorizes the City of Charlotte to levy a \$30.00 motor vehicle tax (c. 345 of the 1993 Session Laws) was moved from Section IV, Local Acts To Be Amended To Apply In Urban Service Districts Only, to Section III, Local Acts To Be Amended To Change The Name Of The Government Or Otherwise Modified

To Reflect Consolidation. When the Charter Drafting Commission decided that the Metro-Government Council should be authorized to levy the \$30.00 motor vehicle tax in the Suburban Service District, staff overlooked the need to move this act from Section IV to Section III.

(G) Compensation of Council Members. The title of Article 1 of Chapter 2 was revised to delete the word "compensation". This section of the Amended Preliminary Charter was patterned after the current City Charter, which contains a provision on setting the compensation of City Council members. Since cities and counties have the same general statutory authority to set compensation of the members of the governing body, no provision on compensation was placed in the Preliminary Charter. However, the title of the current provision in the City Charter was carried forward without deleting the reference to compensation. Since this Article does not include a section on compensation of Metro-Government Council members, the title of the Article was revised to delete the reference to compensation.

(H) Other Technical Changes. The capitalization of the titles of several offices was changed for consistency, the title of the finance officer/finance director was made consistent by making all references to the "finance officer", and an incorrect cross-reference was corrected.