

THE PROPOSED CONSOLIDATION OF CHARLOTTE AND MECKLENBURG COUNTY

By Warren J. Wicker

On March 22, 1971, voters of Mecklenburg County will vote in a referendum on the proposed consolidation of the City of Charlotte and Mecklenburg County, following over forty years of discussion about their consolidation. If they approve, enactment of a charter for the new government and other companion legislation will be secured from the 1971 General Assembly now in session. If they approve, the new government, to be known as The Consolidated Government of Charlotte and Mecklenburg County, will be officially established on August 15, 1972. At that time the City of Charlotte will be abolished and the powers and functions of both the Charlotte government and the County government will be merged into the new one.

The County also has five smaller municipalities: Cornelius, Davidson, Huntersville, Matthews, and Pineville. If the voters approve consolidation of Charlotte and Mecklenburg County on March 22, each of these towns will conduct a referendum within 120 days thereafter to decide whether it will also merge with the consolidated government or continue as a separate municipality. Whatever their choice, citizens of the smaller towns will be citizens of the consolidated government—just as they are now citizens of Mecklenburg County.

This article reviews the background to the current consolidation effort in Mecklenburg County and the work of the Charter Commission that developed the plan and describes briefly the proposed plan of consolidated government.

Background

The governments of Charlotte and Mecklenburg County have been closely related since their very beginnings and have a long history of cooperative relationships. The first major move toward consolidation came in 1927 when Miss Carrie McLean, a General Assembly member from Mecklenburg County, introduced legislation to enable

all local governments in Mecklenburg County to merge into one.¹ The plan would have extended the boundaries of the City of Charlotte to those of the County and made the City the single local government in the county. The existing county government and those of the smaller towns would have been eliminated. A vote on the plan was to

1. Ch. 192, N.C. Pvt. Laws of 1927.

be held and the plan was to take effect under a petition procedure.

An adequate petition was never secured and no action under the legislation was taken. In fact, Representative McLean apparently did not actually anticipate any. According to newspaper accounts, she thought that consolidation would soon be needed, that many municipal services were needed throughout the county, that one government could serve the people more efficiently than could many, and she introduced the legislation as a means of promoting discussion of consolidation and work toward it.

Cooperative action in a number of areas continued, and in 1949 and 1950 a major study looking toward consolidation was undertaken.² This study did not produce a charter, nor was any vote on consolidation held. But the work did give impetus to more cooperative activity and functional mergers. The public schools, the tax collection offices, and the health departments were merged in the following years. Cooperative actions in law enforcement and water and sewerage were expanded. Other activities were also consolidated later, in part as the result of this study and in part from the continuing interest in more efficient and convenient arrangements. In 1953 legislation was secured that authorized the City and the County to merge any of their departments for the purpose of providing "more economical administration."³

In effect, the current effort started in 1967, when the Charlotte Chamber of Commerce created a special Single Government Study Committee with President Grier Martin of Davidson College as chairman. The Committee's report, *Single Government*, was issued by the Chamber in early 1968. The report analyzed the current arrangements and found that of all the expenditures of the City and County governments, 57 percent were already expended through consolidated departments; another 13 percent were for purposes the Committee felt were needed only in the City; and the remaining 30 percent represented areas of expenditures where joint or consolidated administration were judged to be needed. Clearly, the Committee observed, consolidation was already much further along in Mecklenburg than many people realized—more than in most metropolitan areas of the country. Because of the common needs, the shared interests, the need for better coordination of all services, and in order to make government more representative, the Committee suggested several immediate steps and recommended that full consolidation be achieved by 1973.

2. The Institute of Government made the study at the request of the city and county governing boards.

3. Ch. 742, N.C. Session Laws of 1953.

One of its recommendations was that a special committee be appointed by the governing boards of the county to draft legislation creating a charter commission. That committee was appointed and was headed by Brodie S. Griffith, associate publisher of the *Charlotte Observer*. The Griffith committee proposed a charter commission of fifteen, plus a chairman and the mayor of Charlotte and the chairman of the Mecklenburg Board of County Commissioners, who would serve ex officio without a vote. Five members were to be appointed by the mayor of Charlotte, with the approval of the Council; five by the chairman of the Board of County Commissioners, with the approval of the Board; and one each by the mayors of the smaller towns with the approval of their governing boards. The chairman was to be appointed jointly by the mayor of Charlotte and the chairman of the Board of County Commissioners. The plan also called for a Citizens' Review Committee of 50 persons to provide wide community representation in developing the consolidation plan. Members of the Review Committee were to be appointed in the same fashion, and in the same proportions, as the members of the charter commission. The committee also recommended a single county-wide vote on the merger of Charlotte and Mecklenburg County, to be followed by the votes in the smaller towns noted above.

The Griffith committee recommendations were embodied in legislation that was approved by the 1969 General Assembly.⁴

Charter Commission

The members of the Charlotte-Mecklenburg Charter Commission and its Citizens' Review Committee were appointed in the spring of 1969 and the Commission held its organizational meeting on May 19, 1969. The chairman of the Charter Commission is Jones Y. Pharr, Jr., prominent businessman, civic leader, chairman of the ABC Board, and a member of the county school board when the City and County schools were merged. Other members of the Commission are:

Fred D. Alexander, member of the City Council and real estate man

G. Randolph Babcock, businessman and former city councilman

Mrs. Louise Brennan, county chairman of the Democratic Party

Dr. Elizabeth Corkey, public health administrator

Jack Crump, Pineville town manager

Roy T. Fortner, Huntersville businessman

Charles H. Funderburk, U.S. Post Office, Matthews

Joseph W. Grier, attorney and former chairman of a Charlotte charter revision committee

4. Ch. 67, N.C. Session Laws of 1969.

Arthur H. Jones, banker and member of the General Assembly
William H. McEniry, Vice-Chancellor, UNC-C
Wallace S. Osborne, attorney and former member of the Board of County Commissioners
Reitzel Snider, insurance broker
William I. Ward, Jr., counsel, Duke Power Company
J. E. Wayland, minister
John M. Belk, mayor of Charlotte, and Dr. James G. Martin, chairman of the Mecklenburg Board of County Commissioners, serve ex officio.⁵

Work Schedule of the Commission

Funds for the Charter Commission's work under the legislation establishing it were provided in equal shares by Charlotte and Mecklenburg County. The Commission contracted with the Institute of Government to undertake the principal research and draft the charter. It also retained a small staff in Charlotte to direct activities on the scene, provide information to the public, and handle arrangements for the Commission and its committees.⁶

The Commission spent its first six months in background studies of (1) government in Charlotte, Mecklenburg County, and North Carolina, and (2) the approaches and experiences with reorganization of government in metropolitan areas throughout the country.

Commission representatives visited Nashville, Jacksonville, Baton Rouge, and Indianapolis to examine arrangements of those governments. Background seminars, covering the nature of metropolitan governments and looking at specific attempts at consolidation (both successful and unsuccessful) were held in Charlotte for members of the Commission, the Citizens' Review Committee, and officials of the seven governments.

Early in its work the Commission declared that its principal goal was to develop a plan of government that would be representative of all citizens and provide fair taxation for all taxpayers. All meetings of the Commission were open to the public, and great effort was made to involve as many citizens as possible in developing the plan. News media provided regular and extensive coverage of the Commission's work.

Almost 100 special reports and memoranda, covering all functions and activities of the various

5. Charles M. Lowe was chairman of the Board of Commissioners when the Charter Commission was organized and served on the Commission until his retirement as chairman of the Board of County Commissioners in December, 1969.

6. The author served as director for the Charter Commission. David M. Lawrence and H. Rutherford Turnbull, III, assistant directors of the Institute of Government, were principally responsible for drafting the charter. L. M. Wright, Jr., editorial writer for the *Charlotte Observer* and a member of a number of previous metropolitan study groups, took a leave of absence from the *Observer* to serve as associate director for the Commission.

governments and special questions or problems, were prepared by the staff, special consultants, and officials of the governments for the Commission.

Most of these reports and memoranda were reviewed initially by one of the five committees into which the Commission divided itself and by members of the Citizens' Review Committee. Afterward, the reports and the conclusions of the committees were reviewed by the full Commission as it developed the plan of government and the charter.

Public hearings were held on all functions and activities and on numerous other questions: the basic structure of the government, community participation, composition of the governing board, and similar questions.

The public hearings and the committee work occurred largely from Fall, 1969, to September, 1970, overlapping the drafting of the charter for the new government. The drafting procedure began in May, 1970, and was completed in February of 1971 (the time of this writing). The first draft of the charter was completed in early October, 1970. Between that time and January 26, 1971, the Commission held numerous review sessions and public hearings and completed its work on the charter, except for changes in the allocation of ABC revenues and sales tax receipts that were made on February 19, 1971.

The Commission's work is reflected in two documents: Its report, *Responsible, Responsive Government*, outlines how the Commission went about its work, lists all the reports and studies completed, describes the existing governmental arrangements in Mecklenburg County and the plan for the proposed consolidated government, and gives the reasons for the Commission's recommendations. A second document, *The Proposed Charter for the Consolidated Government of Charlotte and Mecklenburg County*, contains the full text of both the charter and companion legislation necessary to establish the consolidated government.⁷

The Plan of Consolidation

The proposed plan of government draws heavily on existing patterns but also includes a number of significant modifications. The existing governments of Charlotte and Mecklenburg County are council-manager governments. So, also, are the governments of Pineville and Huntersville. Cornelius, Davidson, and Matthews operate under a mayor-council plan in which the mayor's position is structurally a "weak" one.

7. Limited numbers of copies of some of the reports to the Commission and of the Commission's publications are available from the Commission, 400 East Second Street, Charlotte, N.C. 28201. Information and copies of some of the reports may also be secured from the Institute of Government.

The proposed consolidated government is termed by the Commission as a council-mayor-administrator form. Its chief elements are a combination of those found in the council-manager and strong-mayor-council plans.

Council. The proposed Council will have eighteen members, elected to four-year staggered terms on a partisan basis. Twelve members are to be elected from single-member districts and six are to be elected at large. (All governing board members in the county are now elected at large for two-year terms with no provisions for staggering. All municipal elections are nonpartisan; county commissioners are elected on a partisan basis.)

All legislative powers previously vested in the county and municipal governing boards are vested in the Council. In addition, the power of the Council to make appointments has been increased. The Council appoints all the semi-independent operating boards and commissions except the Hospital Authority, and it will decide how all appointments are made to committees created by the Council.

Mayor. The mayor will also be elected to a four-year term, by a county-wide vote, in partisan elections. It is anticipated that he will serve full-time. His initial salary will be \$36,000.

The mayor is the chief executive and heads the general consolidated administration—all functions and activities not vested by law in a particular office or under the direction of one of the semi-independent boards and commissions. The mayor is responsible for recommending the budget to the Council, presides over the Council, and has a veto

over most Council actions, including an item veto on appropriations. The mayor appoints the chief administrative officer and four other department heads, with Council approval, and approves the appointment of the police and fire chiefs by the Council and all department heads appointed by the chief administrative officer. In addition, the mayor may call conferences of the chairmen of the semi-independent boards and commissions, their executive heads, and department heads of the general government. He thus has considerably more formal strength than either the mayor of Charlotte or the chairman of the Board of County Commissioners now has, but less than most "strong mayors" in the country's larger cities. For example, most strong mayors have much more extensive powers of appointment, both of administrative personnel and to boards and commissions, than the recommended plan calls for.

Chief Administrative Officer. The chief administrative officer is given extensive powers by the charter, but fewer than managers typically have in council-manager governments. He is appointed by the mayor, with Council approval, and may be removed by the mayor alone. He reports to the mayor and not to the Council, as he does in the council-manager plan. He has, however, administrative and appointive powers over the general consolidated administration substantially like those of a manager. The mayor must approve his appointments of department heads, but he alone removes them. All other employees (except those covered by some form of civil service or employees of the semi-independent boards and commissions) are appointed by the CAO and may be removed by him.



Administrative Organization. Another distinctive feature of the proposed plan, as compared with other city-county consolidations in recent years, is that the organization of the general consolidated administration is not structured by the charter. The charter and general law do impose particular duties and responsibilities on particular officers—tax supervisor, finance director, planning director, and others—but the general administrative structure is not specified in the charter. Both the original structure and the reorganization of the administrative structure are left to the discretion of the mayor and the Council. The charter provides that the mayor may propose plans of administrative organization that go into effect when approved by the Council, or, if the Council takes no action, after ninety days. If the Council disapproves a plan, the mayor then submits another until he develops one that the Council will approve.

The initial administrative organization will be that in existence on the day of consolidation—and this arrangement will continue until modified as described above.

School Board. Public schools in Mecklenburg County are already consolidated. The school board is composed of nine members elected to six-year staggered terms on a nonpartisan basis. The schools are a fiscally dependent agency. The county commissioners levy the local taxes for the support of the schools.

The proposed plan continues the general arrangements for the schools without change. The school board will relate to the consolidated governing board as it now relates to the board of county commissioners. The manner in which the school board is to be elected is changed in the proposed plan. This plan calls for six members to be elected from districts (two Council districts in each school district) and three at large, the same ratio between district and at-large election as for the Council. Members will continue to be elected on a nonpartisan basis, but their terms, which continue staggered, have been shortened to four years.

Boards and Commissions. Ten functions continue to be the responsibility of semi-independent boards and commissions. These are public health, social services, Auditorium-Coliseum, public housing, library, parks and recreation, redevelopment, hospitals, veterans recreation, and drainage. Almost all of these activities, while separate from the general consolidated administration, have been more fully integrated with the general government than they now are. Most will be subject to general personnel policies, fiscal control, and budgeting procedures. All will be subject to

the mandatory referral procedures of the planning process, and all are subject to conferences called by the mayor and the CAO.

The composition of most of the boards has been changed to assure that they are representative of the entire county.

Advisory Boards. All the existing advisory boards—community facilities, mental health, airport, cemetery, model neighborhood, community relations and the like—are continued without change. These are established under ordinances or resolutions of the present governments and may be changed by the Council in the future as it determines.

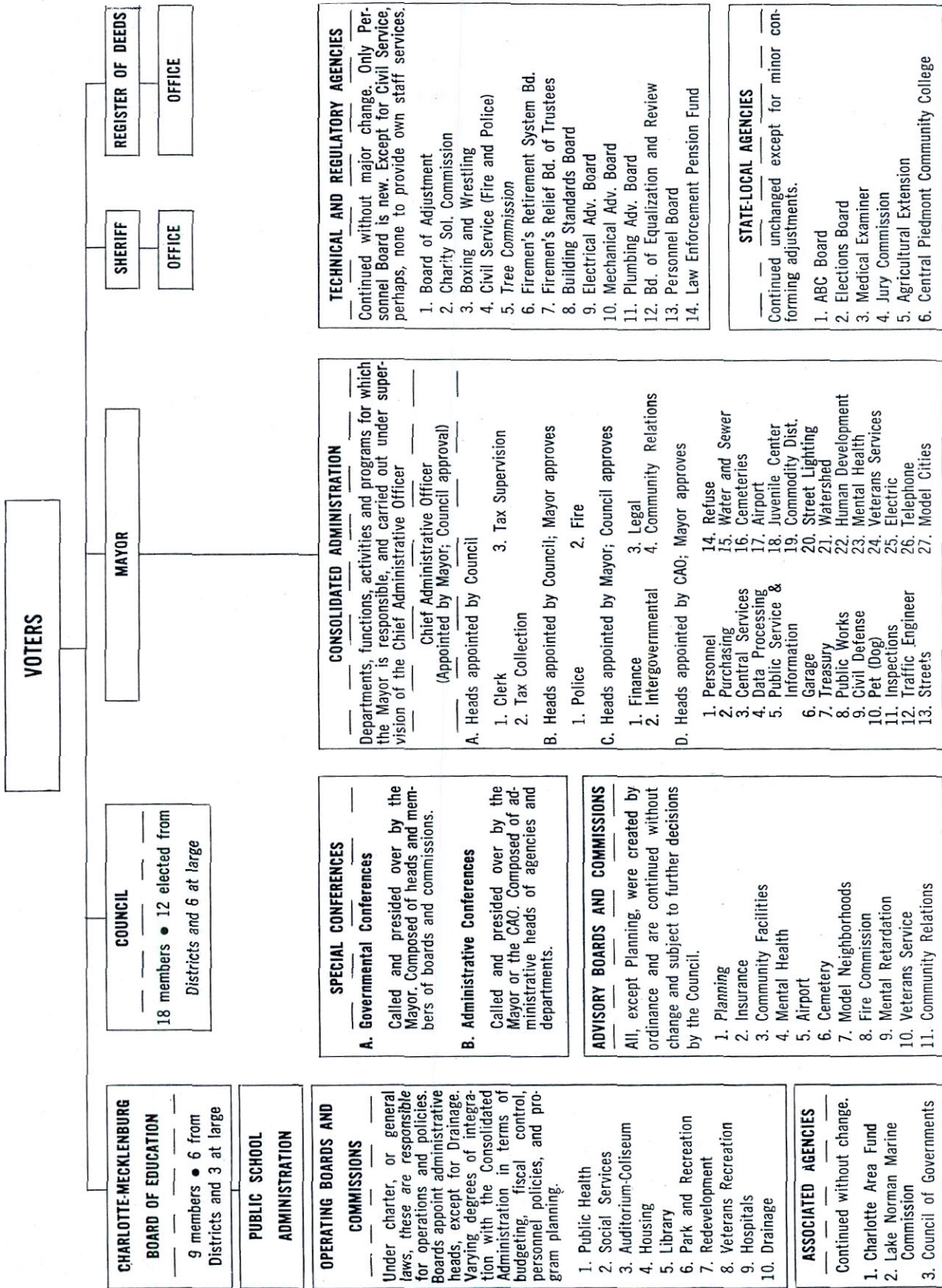
Technical and Regulatory Agencies. A number of these now exist under either ordinances of the existing governments, charter, or general law. Examples are the Board of Adjustment, Firemen's Relief Board of Trustees, Electrical Advisory Board, Law Enforcement Pension Fund, and the Boxing and Wrestling Commission. All have been continued with only those changes necessary to conform their structures and manner of selection to the new government.

State-Local Agencies. In this classification are the ABC Board, elections, medical examiner, agricultural extension, community college, and jury commission. Only the necessary conforming changes are proposed with respect to these agencies. They will continue to have the same responsibilities and will relate to the consolidated government as they now relate to the Mecklenburg County government.

Elective Offices. In addition to the governing board members noted above, three county officers are now elected by the people: the sheriff, the register of deeds, and the county treasurer. Under the plan, the sheriff and the register of deeds will be elected as they now are and will exercise the same duties and responsibilities they now have. The office of county treasurer is changed to consolidated treasurer and will be filled by appointment by the CAO.

Financing Plan. The basic principle in financing is that services and functions will be financed by those receiving their benefits, or within the jurisdiction in which they are provided. The two-tier arrangement found in other consolidated governments is proposed. Some services and functions will be provided county-wide, and these will be supported from county-wide taxation or revenues that will be allocated to the county-wide part of the budget. Other services or functions will be provided only in "urban service districts" or will be provided at a higher level within these districts. These additional, or higher levels, of service will

PROPOSED ORGANIZATION FOR THE CONSOLIDATED GOVERNMENT OF CHARLOTTE AND MECKLENBURG COUNTY



be financed from revenues and taxes of the urban service districts.

The plan does not allocate functions between urban service districts and county-wide, or general service districts—a marked difference from the arrangements found in the city-county consolidations of recent years. The consolidated Council is free to make allocations each year as it determines best. Some revenues, however, are allocated to either the urban service districts or the county-wide district. As a result of these allocations, and the general structure of government in the state, the Council will, in fact, be less than totally free to make and change allocations.

All functions now performed by Mecklenburg County on a county-wide basis will continue as county-wide functions. A number of functions now provided by both governments—fire protection, police protection, refuse collection and disposal—will probably be provided at a higher level within urban service districts. All street-aid revenues are allocated to urban service districts. Because of this fact, and because the state and cities now share responsibility for streets, all street functions will be provided only in urban service districts.

If all seven governments were merged, the Charter Commission estimates that of the 1970–71 budgeted expenditures of \$100.9 million, \$75.2 million would have been allocated county-wide under the plan of consolidation and \$25.7 million would have represented expenditures of the urban service districts. Included in the county-wide part of the budget in this analysis are expenditures for water and sewerage and airports (self-supporting), all refuse disposal, all hospital and library expenditures, and about half of the law enforcement expenditures. The major allocations to the urban service districts were all street and street-related functions, garbage collection, higher levels of fire protection, law enforcement and recreation, and model cities. Expenditure allocations carry with them all outlays for operations, maintenance, capital outlay, and debt service.

Some revenues are allocated according to expenditures—fees and charges associated with a function. The local sales tax revenues and earnings from the ABC system are left to the Council to allocate. As a result, it is impossible to indicate precisely the impact of consolidation. The Council could make allocations of expenditures and revenues so as to result in almost no change for any existing taxpayer, regardless of where he resides. However, if the sales and ABC revenues are distributed as they are now distributed between city and county governments, and if the Council thinks the above allocations of expenditures to be reasonable, taxpayers within the cities will have a net

tax decrease and those in the unincorporated areas of the county a slight increase as the result of consolidation.

Tax Limitations. The plan provides for a property tax limit of \$1.50 in urban service districts, exclusive of taxes for debt service or those specially voted by the people. The county-wide limitation is \$.75 on the \$100 valuation, exclusive of taxes for schools, debt service, or specially voted levies.

Borrowing. All bonds issued in the future will be issued by the consolidated government even though the proceeds may be used for a purpose that, at the time of issue, is provided only in an urban service district. In this latter case, however, if the bonds are voted on by the people, they will require majorities in the urban service districts as well as in the county-wide vote.

Planning. Special efforts were made to strengthen the role of planning. The charter requires both a comprehensive plan for the county and long-range capital improvement planning. And all capital construction, acquisition or disposition of land, or change in the use of land by any public agency must be approved in advance by the planning director as being in conformity with the comprehensive plan. Only the Council may overrule a disapproval by the planning director.

Budgeting. The budgeting procedure follows generally that currently existing for cities and counties in North Carolina, except that a requirement for a public hearing before adoption has been added.

Representation. In addition to specific requirements in particular cases, the charter requires that in making appointments to all boards, commissions, and committees the Council shall secure reasonable representation of all "sexes, races, income groups, geographic sections of the county and political parties," reflecting the general thrust of the plan toward assuring representative government.

Transition

The concept of two service districts, with one being a subordinate taxing area, will not become possible under the North Carolina Constitution until July 1, 1973. As a result, the effective date of consolidation was set for August 15, 1972, and the consolidated government is directed to administer the 1972–73 budgets adopted by the various governments just before merger in accordance with their terms. Thus the first consolidated budget, using the service districts, will be the 1973–74 budget.

Special elections for the first members of the Council and for mayor will be held in the spring

New Books in the Institute Library

- American Automobile Association. *Digest of Motor Laws*. Washington: American Automobile Association, 1971. Gift.
- Bassiouni, M. Cherif. *Criminal Law and Its Processes; the Law of Public Order*. Springfield, Ill.: Charles C. Thomas, 1970. \$14.50.
- Black, Perry, ed. *Drugs and the Brain; Papers on the Action, Use and Abuse of Psychotropic Agents*. Baltimore: Johns Hopkins Press, 1949. \$10.00.
- Christensen, Barlow F. *Lawyers for People of Moderate Means: Some Problems of Availability of Legal Services*. Chicago: American Bar Foundation, 1970. \$7.50.
- George, B. James. *Constitutional Limitations on Evidence in Criminal Cases*. New York: Practicing Law Institute, 1969. \$15.00.
- Frank, John Paul. *American Law: the Case for Radical Reform*. New York: Macmillan, 1969.
- Golembiewski, Robert. *Sensitivity Training and the Laboratory Approach: Readings about Concepts and Applications*. Itasca, Ill.: F. E. Peacock, 1970.
- Heap, Desmond. *An Outline of Planning Law*. 5th ed. London: Sweet and Maxwell, 1969. \$6.00.
- Karlen, Delmar. *Judicial Administration, the American Experience*. Dobbs Ferry, N. Y.: Oceana Press, 1970. \$5.75.
- Kress, Paul J. *Social Science and the Idea of Progress, the Ambiguous Legacy of Arthur F. Bentley*. Urbana: University of Illinois Press, 1970.
- Kurland, Philip B., ed. *The Supreme Court Review, 1970*. Chicago: University of Chicago Press, 1970.
- Lovejoy, Clarence E., ed. *Lovejoy's College Guide*. 11th ed. New York, Simon and Schuster, 1971.
- North Carolina. Dept. of Archives and History. *Thirty-third Biennial Report, 1968-70*. Raleigh: 1970. Gift.
- Robert, Henry Martyn. *Robert's Rules of Order*. (Newly Revised) New York: Scott Foresman, 1970. \$5.95.
- Smith, Wallace. *Housing, the Social and Economic Elements*. Berkeley: University of California Press, 1970. \$12.95.
- Tacheron, Donald. *The Job of the Congressman, an Introduction to Service in the U. S. House of Representatives*. 2nd ed. Indianapolis: Bobbs-Merrill Co., 1970.
- Toffler, Alvin. *Future Shock*. Annapolis, Md.: Futremics [1970]. \$7.95.

of 1973. Thereafter, they will be held in the fall of odd-numbered years.

State Interest

Considerable interest in the proposed plan of consolidation has been evidenced throughout North Carolina. Consolidation is not a new idea for the local governments in the state, but achieving consolidation would give Charlotte and Mecklenburg County a first. Moreover, a number of places have special interest. A charter commission has been working on a consolidation plan for Wilmington and New Hanover County for over six months, and legislation to create a charter com-

mission for Durham and Durham County is under active consideration. A special governmental study group, with functional mergers or eventual full consolidation on its agenda, has been formed in Winston-Salem and Forsyth County, and Fayetteville and Cumberland County have endorsed special legislation to create a local government study group for that area. A dozen other cities and counties have also seen less formal and more limited interest in the possibilities of consolidation.

If Mecklenburg voters approve the consolidation of Charlotte and Mecklenburg County on March 22, it could be the first of a number of city-county consolidations in the state during this decade.