

Durham 00 – Description and Outcome

In 1999 and 2000 Durham city and county undertook a consolidation effort that produced a draft charter but that was cut short when the city council and county commissioners both voted against referring the matter to the voters.

The effort began in early 1999 when the county and city governing boards created a joint consolidation steering committee and directed it to organize task forces to study the feasibility and advisability of merging the two governments. The task forces, with some 140 members, went to work in the summer of 1999 and worked hard to produce a series of reports at the end of the year. Based on the reports, the city and county then created a charter commission and directed it to produce a charter by mid-summer.

In looking at consolidation Durham faced a unique problem – a small part of the city of Durham extended into a second county, Orange. Because of that the charter commission ultimately decided that the existing merger template, in which the city is abolished and consolidated into the county, would not work. Instead, the commission developed a new approach. Both the city and county would continue in existence as corporate entities, but they would become nothing more than tax districts within a new kind of government – a city-county. The voters of the combined two governments – all those living in Durham county plus the Orange county residents of the city of Durham – would elect a governing board for the city-county, and that board would also act ex officio as the governing boards for the county and city. In addition, the charter commission went beyond the mere continuation of the city and called for extending its borders to almost the entire unincorporated area of Durham county. These two related decisions proved politically fatal, at least in the public explanations given by the council members and commission members who voted to end the effort.

The opponents pointed out that it would have required new general legislation in order for the charter commission's proposal for a new kind of local government to go into effect. Because enactment of that legislation would come after the referendum, the voters would be voting on a proposal that they could not be sure would be allowed to come into effect. In addition, for rural residents of the county, expanding the city's boundaries was viewed as a city takeover of the county rather than a merger of the two. There was also a dispute over whether such an expansion would bring financial benefit or detriment to the new government – benefit from additional shared revenues to which cities are entitled, detriment because the city would become responsible for all the secondary roads in the unincorporated area currently maintained by the State.

The peculiar structure of the governing board, as well as its size, also led to opposition. The charter commission proposed a nine-member governing board with both partisan and nonpartisan seats, and with five at-large members (including the mayor) and four representing residential districts. The local democratic party opposed including nonpartisan seats on the governing board, and the black community was concerned about that as well as with what it perceived as a loss of black representation in the new government. Rural residents of the county also complained about a probably lack of representation. (A number of commentators also noted

that the new board would have only about half as many seats as the combined city and county boards and speculated that some politicians opposed the proposal for that reason._

Finally, the sheriff opposed the charter. The charter commission decided to leave the organization of law enforcement to the new governing board, but that uncertainty was unsatisfactory to the sheriff, who preferred that all law enforcement be placed under this office.