

## Durham 00 – Summary

Governing board. The draft charter proposed that the governing board of the city-county, known as the Durham Commission, have nine members. Four would be elected at large, four would be elected from residence districts, and those eight would be joined by the mayor who presided and voted on all issues. All members would serve staggered four-year terms, with the at large members (including the mayor) elected in one two-year cycle and the district members elected in another. In one important respect the Durham Commission would have been unique in North Carolina local government. The draft charter proposed that the mayor and at large members would be elected in partisan elections and that the district members would be elected in nonpartisan elections.

Form of administration. The Charter Commission's draft charter would have continued the manager plan for the merged government. It adopted the municipal model, under which the manager is solely responsible for personnel decisions, rather than the county model, in which the board may retain the power to approve certain personnel actions. It also continued two provisions from the Durham city charter, which (1) gave the manager somewhat greater job security during his or her first six months in office and (2) directed governing board members to deal with government employees only through the manager.

Law enforcement. The proposed charter did not attempt to choose the method of providing law enforcement after consolidation. The implementing legislation explicitly left existing arrangements in place but would have created a mechanism that could have led to a merged law enforcement agency within four to six years.

The proposed legislation directed the new governing board to create the Law Enforcement Commission within 90 days after the effective date of consolidation, with the following seven members:

- One member of the governing board, who was to be chair of the Commission.
- The sheriff.
- The police chief.
- The director of the E-911 center.
- The director of the merged government's emergency management agency.
- Two citizens, one a resident of the area of the city immediately before merged and the other a resident of the former unincorporated area. These two members were to be appointed to two-year terms.

This new commission would have had the following powers:

- To propose each year an annual budget for law enforcement within the new government.
- To propose and implement a plan to create a single communications system for law enforcement and other emergency services.
- Most importantly, within four years after the effective date of consolidation, to propose a plan for a single law-enforcement agency for the city-county and then to call a referendum on the plan among the government's voters.

If the commission's plan was voted down, or if it failed to develop such a plan, the legislation would have called upon the governing board of the city-county to develop its own plan, which was to be voted on within the first six years after merger. If no plan received a favorable vote

from the city-county's citizens, law enforcement arrangements would continue indefinitely in the same way they began.

Fire protection. The draft charter sought to protect the interests of volunteer fire departments by encouraging the city-county to make maximum use of them. In addition, the draft would have created a special fire commission, comprised of the fire marshal, the chief of the central service district fire department, and the chiefs of each of the volunteer departments active in the county. The commission was charged with coordinating the delivery of fire protection services throughout the city-county.

Zoning authority. The draft charter provided that the protest petition requirements of the municipal zoning enabling act were to apply to rezoning within the entire city-county. Otherwise, the government was to follow the county zoning enabling act. Because the city was to continue in existence, the government could award it an extraterritorial land use jurisdiction, which would have been useful for any land use powers that cities have but counties do not.

Recall and removal of governing board members. The city's charter included provisions for recall of council members and for their removal, and these were brought forward for the entire city-county in the draft charter.