

ONE GOVERNMENT FOR DURHAM

Report of the
Durham City-County Charter Commission

1974



PREFACE

This Report of the Durham City-County Charter Commission describes the proposed plan for a consolidated government for Durham that the Commission recommends and explains why this particular plan is commended to the citizens of Durham County. It also gives some information on the existing governments, past efforts at consolidation, and the work of the Commission.

The text of the proposed charter as enacted by the 1974 General Assembly of North Carolina is being published by the Commission in a separate document. The legislation enacting the charter (Chapter 989, 1973 Session Laws) also provides that the Durham County Board of Elections shall conduct a referendum on the proposed consolidation of the governments of Durham County and the City of Durham on September 10, 1974. If the citizens of Durham County approve the merger of their governments in that referendum, the new and consolidated government will be established on December 1, 1975.

Further information about the Charter Commission's work and a limited number of copies of this Report and the charter document are available through the offices of the Durham County Manager and the Durham City Manager and through the Institute of Government of the University of North Carolina at Chapel Hill.

Durham, North Carolina
May 1, 1974

DURHAM CITY-COUNTY CHARTER COMMISSION

The Durham City-County Charter Commission is composed of a chairman and 41 members. The chairman, E. K. Powe, was selected jointly by the Mayor of the City of Durham and the Chairman of the Durham County Board of Commissioners. The organizations appointing members of the Charter Commission and the names of the persons appointed are listed below.

Chairman: E. K. Powe

Act

Mr. C. P. Ellis¹

Duke University

Mr. Victor A. Bubas

Durham Business and Professional Chain

Mr. Nathaniel B. White

Durham Central Labor Union

Mr. Martin H. Maynor, Jr.

Mr. Walter O. Daye

Durham Chamber of Commerce

Mr. Watts Carr, Jr.

Mr. Marshall T. Spears, Jr.²

Durham City Council

Mr. Lew G. Brown

Mr. Travis H. Clements³

Mr. W. T. Coman

Mr. James D. Farthing⁴

Mr. John D. Lennon

Mr. J. C. Scarborough, III

Mrs. Joel K. Smith⁵

Mr. C. C. Woods, Jr.

Durham Committee on Negro Affairs

Mr. F. V. Allison, Jr.
Mr. Harris C. Johnson
Mr. Eric C. Michaux⁶
Mr. Frank Aaron Robinson⁷

Durham County Board of Commissioners

Mr. R. D. Adams
Mr. Lee Barnes⁸
Mr. Robert F. Cooke
Mr. S. D. Dillard
Mrs. Virginia Duncan Edwards
Dr. Richard Leach
Mr. H. C. McFarland⁹
Dr. Leroy T. Walker

Durham County Delegation, North Carolina General Assembly

Mr. Victor S. Bryant, Jr.
Rev. Philip R. Cousin⁷
Mrs. Lena Marley
Mr. O. C. Mitchell, Jr.

Durham County Democratic Executive Committee

Mr. A. J. H. Clement, III

Durham County Farm Bureau

Mr. W. A. Roseborough
Mr. C. M. Allen

Durham County Republican Party

Mr. Oliver W. Alphin

Durham Junior Chamber of Commerce

Mr. Mickey Fogleman¹⁰

Durham Merchants Association

Mr. I. L. Dean

League of Women Voters

Mrs. Helen D. Pratt

North Carolina Central University

Mr. G. S. Nixon

United Organization for Community Improvement

Mr. Lonnie L. Wilson

Women-In-Action for the Prevention of Violence and Its Causes

Mrs. Josephine D. Clement

1. Appointed in January 1974 to replace Arthur Bridge, who served from January 1973 until his resignation in January 1974. Bridge was appointed to replace Ninian Beall, who served from September 1971 until his resignation in January 1973.
2. Appointed in March 1973 to replace J. B. Brame, who served from September 1971 until his resignation in March 1973.
3. Appointed in January 1973 to replace James D. Farthing during his absence from the Commission.
4. Resigned in September 1972 and reappointed in January 1974 to replace Joseph B. High, who served from September 1971 until his resignation in July 1973.
5. Appointed in January 1974 to replace Christine E. Vick, who served from September 1971 until her resignation in September 1973.
6. Appointed in September 1972 to replace Willie C. Lovett, who served from September 1971 until his resignation in August 1972.
7. Appointed in January 1973 to replace Charles Davis, who served from September 1971 until his resignation in January 1973.
8. Appointed in July 1972 to replace J. H. Edgerton, who served from September 1971 until his death in May 1972.
9. Appointed in January 1974 to replace Darrell Kennedy, who served from September 1971 until his resignation in July 1972.
10. Appointed in June 1972 to replace William C. Mann, who served from September 1971 until his resignation in June 1972.

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LETTER OF TRANSMITTAL

To the Citizens of Durham County:

In the past hundred years the City and County of Durham have undergone remarkable growth in population, in commercial and industrial enterprises, in medical and educational institutions, and in local governmental services and functions. From the beginning of our separate existence as a county, we citizens of Durham have appreciated that the social, economic, cultural, and political life of all Durham residents has been closely interrelated. Partly because of this fact, only two local governments were created to serve our local needs: the city government first, and then the county government. This interrelationship also led some Durham citizens to the conclusion some fifty years ago that one local government made sense in a community like ours. Formal plans to consolidate our city and county governments have been developed twice before—in 1932 and 1961. What was deemed by many citizens to be desirable and timely then is even more desirable and urgent today.

The present Durham City-County Charter Commission spent over two years examining Durham's local governmental structures, functions, and services. We looked again at our growth, at the needs of all of our citizens today, and at what we think we will need from our local governments in the future. We too have concluded that a single consolidated local government, one having all the powers of both a county and a city government, is needed. This report contains a brief description of the plan of government we have proposed. (The proposed charter is being published separately.) We think that a consolidated government will provide the citizens of Durham County with the most efficient and effective local government possible—one that is representative of and responsible to all citizens and areas of the county.

We are fortunate that Durham has long enjoyed good government. We need not condemn the present or reject the past as we prepare to meet the future. In fact, the plan we have developed for the future has drawn heavily on the strengths of our traditions and the effectiveness of many of our current arrangements.

One lesson from the past is that we have had to change our local governmental arrangements as we have grown and sought to serve

the needs of Durham citizens better. We have at times changed the forms of our city and county governments, and small changes have been made in administrative structure and service policies, or new functions and services added, nearly every year. We think that once more we need to alter our basic governmental structure in order to meet the needs of Durham citizens today.

Most local governmental services are now needed by all our citizens, regardless of where they live in the county. Most Durham citizens who live outside the city need fire protection, water and sewerage services, refuse collection and disposal, recreational and cultural opportunities, and a host of other services that were principally provided only by city governments two generations ago. Some local governmental services are still needed only in densely populated areas, and others are needed at a higher level in urban areas. The consolidated plan we proposed recognizes this fact and makes it possible to finance services fairly whether they are provided county-wide or only in urban areas.

Because we are one community and because we may live in one place but work, shop, and play in another, the actions taken by both local governments affect all of us. About one-fourth of us live outside the City of Durham and thus do not vote for the members of the City Council, even though its actions in planning, in regulating land use both within and outside the city, and providing water, sewerage, and other services may affect us greatly. A single local government, representative of all Durham citizens and responsible to all Durham citizens, will give each citizen a voice in all local governmental decisions. The proposed consolidation plan will give us such a government.

Some 50 Durham citizens, appointed by 18 different public and private agencies or groups, served on the Durham City-County Charter Commission during its life span from 1971 to 1974. Hundreds of other Durham citizens and local governmental officials shared with us their thoughts and recommendations and then their reactions to our preliminary proposals. We know that our proposed plan will not be viewed as faultless by every Durham citizen. But we believe that it is a good plan that will strengthen our local governmental arrangements, and we commend it to you.

Respectfully submitted,

E. K. Powe, Chairman
for the Durham City-County
Charter Commission

THE PROPOSED PLAN FOR CONSOLIDATION

The proposed plan for a consolidated government for Durham County has its origins in existing arrangements of the city and county governments, previous studies and plans developed for Durham, practices of consolidated governments elsewhere in the United States and the special provisions of North Carolina's Constitution and statutes within which every local government in the state must operate.

Many of its features are also found in both local governments today—for example, the council-manager form of government. Other features—for example, nonpartisan elections—represent the selection of an arrangement used by one local government when practices in the two units differ. Other provisions—for example, the initiative and referendum—are practices found elsewhere in the country that have been incorporated in the recommended plan for Durham.

In designing the new government for Durham, the Charter Commission has sought to preserve the strengths of Durham's traditions and practices while creating a merged governmental structure that will serve Durham citizens even more effectively in the future. The chief features of the proposed plan are described briefly in this section of the Commission's report.

Forms and Powers of Government. The Government of Durham and Durham County will maintain the council-manager form now used by both the city and county governments of Durham. This is also the chosen form of government for all of North Carolina's larger cities and counties and over 2,000 cities and counties throughout the country. The Commission feels that this popular and successful form of government should be continued upon consolidation so that the development of policy can be concentrated with the governing board and the implementation of policy and the conduct of administration can be concentrated with the Chief Administrative Officer (manager).

The Durham government will have all the powers granted to cities and counties in North Carolina. A growing aspect of those powers in recent years has been "home rule." At present, Durham's city and

county governments are authorized to provide together any services that both may provide individually. Furthermore, state legislation has now empowered counties not only to provide their traditional "people" services—such as health, education and welfare—but also to provide services that are usually considered municipal or urban—garbage collection, water and sewerage, fire protection, etc. The legislature has also granted both city and county governments increased authority to manage their own affairs in such matters as setting fees, organizing and reorganizing their administrative structures, and modifying their forms of government.

In a legal sense, the consolidation will transform the Durham County government into a county government with all the powers of both a city and a county. The City of Durham, as an independent municipal corporation, will be abolished. The Consolidated City-County Act (Ch. 160B, N.C. General Statutes) enacted by the 1973 General Assembly of North Carolina provides the basis for creating a consolidated government in North Carolina and for creating urban service districts. Thus, the new government as a single unit will have powers equal to those of any North Carolina local government to serve the needs of all its citizens.

Service Districts. Some services and functions are needed throughout a county, some are needed only in urban areas, and some are needed at a higher level in urban areas than elsewhere. The Charter Commission feels that fairness to all citizens requires that those who receive or benefit from a service or function should meet its costs. In other words, citizens should be taxed or charged for those services received but not for services not received or for functions not provided for their general benefit.

To accomplish this objective within a single government, a plan of service districts has been developed. Under the proposed plan, the Durham Service District will include all of Durham County. Services provided throughout Durham County will be financed by county-wide taxes. Health, education, welfare, and the operation of the jails, for example, would fall into this class. Some services—for example, street lighting, sidewalks, and streets—may be needed only in urban areas. The plan calls for the creation of urban service districts in which such services may be provided at the expense (through taxes and special charges) of those within the urban area who receive the special or higher-level services. Under the Consolidated City-County Act, establishing districts, taxes, and debt procedures for the service districts is a matter of general law.

The area within what is the City of Durham at the time of consolidation will become the first urban service district immediately after consolidation. The governing board will be authorized to create and expand urban service districts when the need arises, in accordance with requirements and procedures of the Consolidated City-County Act. The procedure will be substantially the same as that now used in municipal annexations. The governing board will be required to hold public hearings and present plans regarding such actions. Unlike the case in municipal annexation, however, the residents of the area in question will be represented on the governing board. This is consistent with the Commission's aim to make the concept of representation a reality under the new government.

Governing Board. The legislative body of the consolidated government will be the Board of Government, composed of sixteen members—one from each of the sixteen districts into which the county will be divided—elected on a nonpartisan basis for four-year staggered terms. (See Appendix B on page 38 for maps of the districts.) Vacancies in Board membership will be filled by the Board itself. Those appointed to fill vacancies will serve until the next Durham government election (held every two years). To be eligible for election to, appointment to, and service on the Board, a person must be eligible to hold elected office under the Constitution of North Carolina. In addition, a candidate or appointee must reside in the district he seeks to represent.

As the legislative body, the Board will be responsible for adopting resolutions and ordinances and establishing policies for the government. The charter also provides for the powers of initiative and referendum, which enable citizens to propose or repeal ordinances. These features are new to local government in Durham County and are discussed in a later section.

The Board will adopt the budget, set the tax rate, and make appointments to the various boards, authorities, and commissions unless the law specifies otherwise. The charter provides that the Board will also appoint the attorney, chief administrative officer, and clerk. Under general law the Board will appoint the tax collector and tax supervisor.

Each Board member will be required to vote on all matters unless excused from voting on a matter pertaining to his official conduct or his personal or financial interest. Members will be paid \$200 per month plus \$25 for attendance at each official meeting of the Board and committee of the whole, not to exceed \$150 in any month, for attendance at meetings. Regular Board meetings, not including com-

mittee-of-the-whole meetings, will be held in the evenings to make citizen participation easier.

Mayor. The Mayor, elected at large for a two-year term, will be the official head of the Durham government. He will have all the powers, duties, rights, privileges, and immunities now held by the mayor of the City of Durham and the chairman of the board of commissioners of Durham County. The Mayor will preside at Board meetings and otherwise have the same responsibilities as any Board member. His initial salary will be \$6,000 per year.

The District Representation Plan. In trying to assure fair representation—racially, socioeconomically, and geographically—to Durham County citizens, the Commission considered several approaches to representation for the proposed consolidated government. To achieve this goal, the "16 plus 1" plan, providing for sixteen representatives elected from single-member districts and a mayor elected at large, appeared to be the best alternative. The Commission also extended this philosophy to apply to many boards and commissions throughout the Durham government by adapting their compositions and methods of appointment to the district approach. Thus, the charter enables Durham's citizens to benefit from the advantages of a consolidated government while still bringing elected and appointed representatives closer to their constituencies.

Census tract data (1970) and precinct maps were used to develop the district plan. Every attempt was made to maintain existing precinct boundaries; however, some changes in precinct boundaries were necessary to achieve both uniformity in the population sizes of the districts and equitable representation. On the basis of 1970 data, the district plan is expected to result in the election of at least four representatives from outside the city and at least four black representatives. Table 1 shows the precinct and racial composition of each proposed district.

To maintain the uniformity of the election districts, the charter provides that the Board of Government shall establish a Districting Commission of sixteen members, one from each electoral district, appointed by that district's representative on the Board. The Districting Commission will be established by July 1 of each year in which an official federal census is taken and will function until a new districting plan is adopted or until it determines that a new plan is unnecessary. To give the Districting Commission a guideline by which to act, the charter provides that a difference of 10 per cent in the populations of the least populated and the most populated district shall indicate

Table 1
Racial Composition, Population, and Precinct of Electoral Districts

District	*Precinct (s)	Population				
		Total	No. Whites	No. Blacks	Per cent Whites	Per cent Blacks
1	21, 22	8,228	6,976	1,252	84.8%	15.2%
2	1, 19, 20	8,174	7,555	619	92.5	7.5
3	15, 18	8,229	5,821	2,408	70.2	29.8
4	12, 16, 17	8,221	1,549	6,672	20.3	79.7
5	13, 14	8,217	2,381	5,836	29.0	71.0
6	34, 41, 42	8,230	723	7,507	9.0	91.0
7	10, 11	8,055	143	7,912	1.8	98.2
8	2, 7, 8	8,114	4,131	3,983	51.0	49.0
9	6, 9, 36, 40	8,202	7,985	217	97.4	2.6
10	5	8,119	6,229	1,890	76.8	23.2
11	3, 4, 24	8,177	7,946	231	97.2	2.8
12	35, 38, 39	8,219	7,928	291	96.5	3.5
13	25, 26, 27, 28	8,254	6,652	1,602	80.6	19.4
14	29, 30	8,036	7,394	642	92.1	7.9
15	31, 32, 33	8,191	7,530	661	92.0	8.0
16	37	8,206	7,467	739	91.0	9.0

*Since some of the present precinct boundaries have been shifted somewhat, the precinct numbers above indicate that a vast majority of the population in the cited precincts reside in the corresponding proposed district.

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substantial inequality among the districts and the need for a redistricting plan. The commission may adopt a new plan if it deems that a difference of less than 10 per cent constitutes substantial inequality. If the commission determines that redistricting is necessary, it must adopt a new plan by July 1 of the year following the federal census year. The new districting arrangement will then be the basis of the next Durham government elections. If two or more members of the Board of Government reside in a single district, as a result of the new plan, the member who previously occupied the district with the same number as the new district number will be the representative of that district. But, if more than one Board member reside in a newly formed district that has a number that does not correspond to the number of the district formerly represented by either member, the charter provides that the new plan shall have caused a vacancy on the Board. If the new plan causes a vacancy on the Board, the vacancy will be filled at the first Durham government election to which the plan is to apply.

In maintaining the basic principles set forth in the charter, any new districting plan must assure, as reasonably as possible, that races, socioeconomic groups, and geographic sections of the county will be fairly represented on the governing board.

Other Elected Officials. The office, powers, and duties of the sheriff, register of deeds, and members of the county and city boards of education will continue without change upon consolidation.

Elections, Recall, and Removal. Regular elections of the Durham government will be held in odd-numbered years on the Tuesday after the first Monday in November. The primary, conducted to eliminate all but the top two candidates for each office, will be held on the fourth Tuesday before the election. Elections will be conducted by the Durham County Board of Elections.

The Mayor, members of the Board of Government and the County Board of Education, and the register of deeds will be subject to removal at any time by the voters in a recall election. A recall election is initiated by a recall petition, which must be signed by at least 20 per cent of the registered voters in the area represented by the subject official.

The Mayor or any member of the Board of Government may be removed from office for official misconduct or after conviction of a crime involving moral turpitude. Removal requires the filing of charges, a hearing, and affirmative vote of twelve members of the governing body.

The recall and removal provisions of the charter are essentially the same as those now found in the charter of the City of Durham.

Initiative and Referendum. Granting citizens the power to propose and repeal ordinances through the initiative and referendum processes is another important factor in the new government's structure. Under the initiative process, the citizens may:

- (1) Propose any ordinance to the Board of Government, except a budget ordinance, bond order, franchise ordinance, or ordinance relating to an urban service district;
- (2) Repeal any ordinance that could be proposed under the initiative process, except an ordinance affirmed by a referendum election within one year after the referendum vote.

The referendum power enables citizens to:

- (1) Require the governing board's reconsideration of any adopted ordinance, except a budget ordinance, a bond order, a franchise ordinance, or any other ordinance that may not be adopted without prior public notice and a public hearing;
- (2) Approve or reject the referred ordinance at the polls if the governing board fails to repeal it after the citizens' request for reconsideration.

The initiative or referendum petitions must be signed by at least 10 per cent of the registered voters of the Durham government or 5,000, whichever is less.

These powers are intended to provide a more *responsive government*, giving citizens other ways to influence the governing process directly.

Chief Administrative Officer. The manager of the Durham government, named the Chief Administrative Officer, will be appointed by and serve at the pleasure of the Board of Government. As the administrative head of the government, he will have the following responsibilities: to coordinate the general administration; to inform the governing board about government affairs and make recommendations thereon; to execute all orders, resolutions, and regulations of the Board; and to appoint and suspend all Durham government employees, unless otherwise provided in the charter or by general law, in accordance with rules, policies, or ordinances adopted by the Board. He will direct and supervise the administration of all departments, boards, offices, agencies, and commissions of the Durham government, subject to the general direction and control of the Board, except as otherwise provided by law. The Chief Administrative Officer will thus exercise responsibilities that are essentially the sum of those now exercised by the city and county managers.

Administrative Organization. The organization of the general consolidated administration is not structured by the charter. Both

organization structure and its reorganization are, for the most part, left to the discretion of the Board of Government.

The initial administrative organization will be the organization that exists on the day of consolidation, and that arrangement will continue until modified by the Board. (See Chart 1 for the proposed organization upon consolidation.)

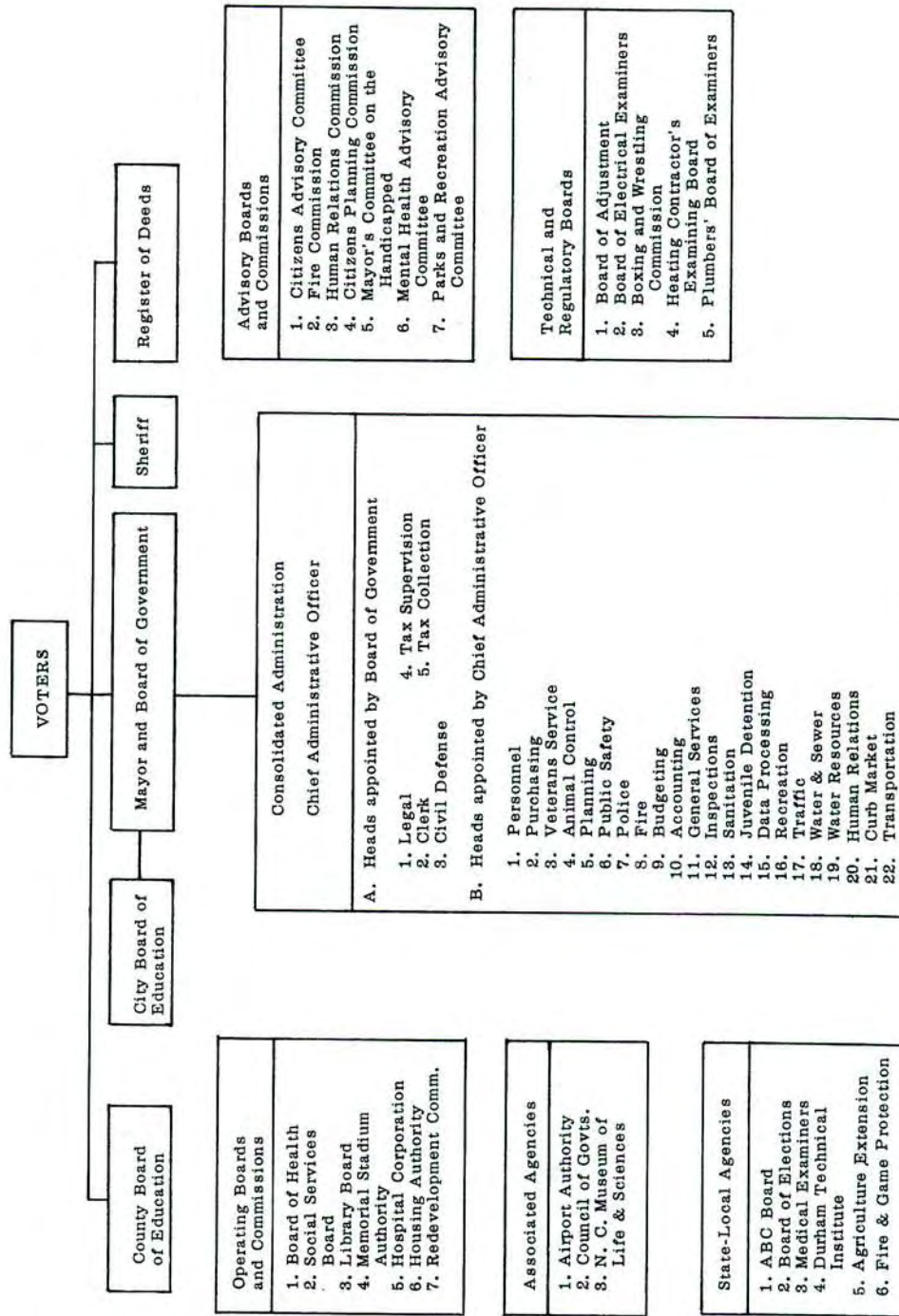
Personnel. The Board of Government will establish by ordinance a system of personnel administration. The system will cover all employees except elected officials and employees of any agency, board, commission, or authority authorized to appoint its own chief administrative officer.

All personnel actions of the consolidated government will be on the basis of merit or qualification. Discrimination in any form with respect to race, color, religion, sex, national origin, age (except upon the basis of a bona fide occupational qualification or retirement plan or statutory requirement), or political affiliation will be prohibited. The Human Relations Commission of the Durham government will be responsible for investigating complaints of discrimination and recommending corrective measures to the administration or the Board of Government.

Budgeting. The general law governing the preparation and adoption of budgets by city and county governments in North Carolina will also apply to the consolidated government. The chief administrative officer will be responsible for preparing the proposed budget for the governing body's consideration. The governing body will adopt the budget and therefore will also decide upon the level of services to be provided, both county-wide in the Durham Service District and within any urban service districts. In keeping with the service district arrangement and to assure adherence to the principles of fair taxation, the charter requires that the budget be prepared in parts: one part for the Durham Service District and one part for each urban service district. Each part must be balanced. The costs of providing each service, function, or activity within a district will be allocated to the part of the budget dealing with that district and in proportion to the extent to which each is provided. The revenues raised by the citizens of each district must be equal to all the costs of services provided to that district.

Revenues and Taxation. The proposed plan provides that certain revenues will be used on a county-wide basis only; others will be used in the urban service districts only; and still others will be allocated among the districts by the governing board.

Chart 1. General Organization of Proposed Consolidated Government for Durham



Among the non-property tax revenues to be allocated for county-wide use only will be the excise stamp tax on conveyances of real estate, county-wide privilege license taxes, the dog tax, and the CATV franchise tax.

The revenues to be used only in the urban service districts will include state street-aid funds, traffic violation penalties, taxicab license taxes, and privilege license taxes levied only within the urban service districts.

Proceeds from the local 1 per cent sales tax, ABC profits, the county's share of the state tax on beer and wine, the franchise tax receipts, and federal revenue-sharing are to be allocated among the Durham Service District and any urban service districts at the discretion of the Board of Government.

The intangibles tax collected by the state and distributed to Durham County is to be divided among the Durham Service District and the urban service districts as if the Durham Service District were a county and each urban district were a city.

Arrest fees will be allocated between the Durham Service District and each urban service district in proportion to law enforcement expenditures in each district in the previous fiscal year.

All fees and charges imposed by the consolidated government for a particular service or function are to be allocated to the service district in which the service or function is provided or maintained.

Property Tax Limitations. The property tax in the consolidated government will be levied county-wide by the Board of Government to support county-wide functions and at a higher level in urban service districts to support special or higher levels of services in the urban service districts. The plan provides for a property tax limit of \$1.50 on the \$100 valuation in urban service districts and \$1 on the \$100 valuation in the county-wide service district. These limitations exclude taxes for schools, debt service, or specially voted levies.

The proposed tax limitation for urban service districts is the same as that now existing for the City of Durham. The county-wide limit is lower than the similar limitation that now applies to county-wide taxation.

Borrowing. All bonds issued will be by the Durham government and thereby the legal responsibility of the entire consolidated government. Voting on bond issues will be county-wide, 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 such a case, all taxes levied to meet debt service may be levied only within the urban service district in-

volved. Issuance of bonds the proceeds of which will be used in this manner will require majority approval in the urban service districts as well as in the county-wide vote.

The Durham government will not have limitations on general obligation indebtedness for water, sewerage, gas, and electric purposes. General obligation indebtedness for school purposes may not exceed 8 per cent of the appraised valuation of taxable property in the county. The charter also imposes a separate 8 per cent limitation for all purposes other than schools and utilities.

Planning and Regulation of Development. The Commission made special efforts to strengthen the role of planning and regulation of land development in order to keep pace with the demands and prepare for the future of a growing urban environment. To this end, the charter provides that the Board of Government shall create a new and revised Department of Planning, effective July 1, 1976. The department will be responsible for current planning; urban renewal planning, research and studies of the Durham area, and technical assistance to other departments in planning for the Durham government. The department will also prepare a comprehensive development plan for Durham County based on community goals and a land capability and use survey. Also among the department's duties are drafting recommended zoning ordinances, zoning maps, subdivision regulations, and other land development controls to implement the comprehensive plan and conducting review procedures for subdivision plans, proposed plats, and amendments to the zoning ordinances. Finally, the department will help the Durham government's advisory planning body, the Citizens' Planning Commission.

The Citizens' Planning Commission (CPC), to be effective July 1, 1976, will have seventeen members—one from each of the sixteen electoral districts and one at large, all appointed by the Board of Government to three-year staggered terms. No member may serve more than two consecutive terms. The structure of the CPC is consistent with that of the Board of Government and indicates another attempt to achieve broad racial, socioeconomic, and geographic representation. The CPC is responsible for developing and recommending proposed statements of comprehensive community goals and objectives in the development of Durham County to the Board of Government. It will also have the opportunity to review and make recommendations regarding all proposed development plans prepared by the Department of Planning. This review opportunity also extends to all proposed development plans for constructing or expanding public

facilities and services by any department, committee, agency, board, commission, or authority of the Durham government. The CPC may also review requests for amendments to the zoning ordinance and make recommendations to the appropriate zoning agency, which will be designated by the Board of Government. Finally, the CPC has the power to make comprehensive reviews of, make recommendations regarding, and propose amendments to the zoning ordinance, zoning map, subdivision regulations, and other land development controls. To increase citizen participation in the planning process, the CPC may conduct public hearings on any matter that it is authorized to consider except requests for amendments to the zoning ordinance. The Board of Government is authorized to designate officers and agencies to perform other planning and zoning functions not prescribed in the charter.

School Boards. The operations of the city and county boards of education and the two separate school systems will not be significantly affected by the charter. The only changes proposed are those necessary to adjust the present operations to the consolidated governmental framework. For example, the consolidated governing board will replace the city council in appointing the board of education for the city school administrative unit (city school board members must reside within the city administrative unit boundaries) and replace the county commissioners in levying taxes for schools.

Boards, Commissions, and Authorities. The boards, commissions, and authorities currently established in the city and county will be continued under the proposed consolidation.

To assure its goal for representative government, the Commission has included in the charter a policy requirement that all committees, agencies, boards, commissions, and authorities of the proposed new government shall be constituted with memberships that equitably represent each race, sex, socioeconomic group, and geographic area of the county. In keeping with this philosophy, the composition of the planning board membership has been modified as noted above. Similar changes have also been made in the composition of the Library Board and the Parks and Recreation Advisory Committee.

Prohibiting Discrimination. As explained earlier, the charter declares that all personnel actions of the Durham government will be on the basis of merit and qualification. Discrimination in any form with respect to race, color, religion, sex, national origin, age (except when necessary), and political affiliation is prohibited. The charter also provides that discrimination by private individuals, firms, and cor-

porations regarding housing, employment, and public accommodations will be unlawful. Federal regulations now apply to the private sector in these three areas. The Commission included provisions, comparable with federal law, in the charter to indicate a further commitment on the local level to equitable treatment and to give more effective help through local government to those who feel they have been treated unfairly.

The provision regarding employment applies to employers, employment agencies, and labor organizations. Those who employ fewer than fifteen people and all religious, fraternal, charitable, or sectarian organizations that do not receive federal funds are exempt from the provisions, consistent with federal law. Also, hiring, classifying, or referring employees on the basis of religion, sex, national origin, or age will not be considered an unlawful employment practice if the factor is a bona fide occupational qualification that is reasonably necessary to the operation of a particular business or enterprise. Nor will it be unlawful to apply differences in standards of compensation or terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or due to measures of quality or quantity of production, or differences in location as long as the differences do not reflect an intent to discriminate on any of the prohibited bases. It will not be unlawful to administer tests or act upon their results if the tests are not designed or used to discriminate. Furthermore, the charter provides that an employer's action in compliance with a federally approved affirmative action plan or a federal order will be an acceptable defense to a charge of a discriminatory employment practice.

The public accommodations section applies to a business, accommodation, entertainment, refreshment, recreation, resort, amusement, or transportation facility of any kind—licensed or not—whose goods, services, facilities, etc., are made available to the public. It will be unlawful to deny or advertise denial of the advantages of a public accommodation to any individual on the basis of race, color, religion, sex, or national origin, except that the right to individual or group privacy based on sex is not to be invaded.

Finally, the housing section applies to any building or structure that is occupied as, or is intended for occupancy as, a permanent or temporary residence by one or more persons and to any vacant land that is offered for sale or lease for the location of such a building. Discrimination is prohibited with respect to representation of the terms, conditions, availability of the sale, lease, rental, or inspec-

tion of a housing unit; advertising; insurance coverage; participation in any multiple-listing service; real estate brokers' organizations; or other service related to selling or renting housing units. However, any organization with a religious affiliation that owns or operates housing units for noncommercial purposes is exempt from these provisions, unless membership in the religion is restricted on account of race, color, sex, or national origin. Nor do the provisions apply to single-family houses whose owner does not own more than three houses at a time and when the services of a realtor or discriminatory advertising are not used. However, this exemption applies to only one such sale within a 24-month period if the owner was not the most recent resident of the house before its sale. Also, dwellings that are lived in by their owners and are intended to be occupied by four or fewer independent families and dormitory rooms of both private and public institutions of higher education are exempt from housing provisions.

The Human Relations Commission of the City of Durham is now the agency that receives complaints of discrimination. Under the proposed plan, a newly created Human Relations Commission (HRC) will be the agency for administering the antidiscrimination provisions that cover employment, housing, and public accommodations. The HRC will be responsible for responding to complaints and will have power to act on its own initiative when it determines that discrimination may exist. The HRC and its executive director are directed to seek resolution of complaints through private conference, mediation, and conciliation. The commission is also to conduct research and recommend action to the Board of Government to help minimize conflict and promote harmonious relations in the Durham community.

If the HRC cannot resolve a case through mediation or get compliance with its orders when it has found probable cause that discrimination has occurred, the charter provides further recourse. At the HRC's request, the legal officer for the Durham government will seek an order from the superior court to enforce the HRC's order to cease acts of discrimination. Also, the charter makes willful violation of antidiscrimination provisions a criminal misdemeanor. A person who is found guilty in court of violating these provisions may be fined up to \$300 and, for a second conviction, imprisoned for as long as 90 days. Approximately 80 per cent of the cases now handled by the present Human Relations Commission are resolved through mediation and without local enforcement measures. It seems likely that adding

enforcement measures, under the new government, will make the HRC's mediation efforts even more effective.

The proposed HRC will have seventeen members, one from each electoral district and one at large, appointed to four-year staggered terms. Its membership may not include more than ten persons of the same race or sex.

Transition. The transition to the consolidated government provides ample time to plan an orderly change. The county-wide referendum on consolidation will be held on Tuesday, September 10, 1974. If consolidation is approved, planning for consolidation may then begin. Officials of Durham County and the City of Durham are directed to cooperate in planning the transition for the new government that will be established on Monday, December 1, 1975.

The regular 1975 city elections will be canceled. The primary for the Mayor and members of the consolidated governing board will be held on October 7, 1975, and these officials will be elected on November 4, 1975. Half of the members of the Board of Government will initially be elected for terms of two years and the other half for regular terms of four years in order to stagger the terms of the Board's members.

On December 1, 1975, these newly elected officials will take office. At the same time, the offices of the mayor and councilmen for the City of Durham and commissioners for Durham County will be abolished. Since the governing bodies of the present city and county governments are being abolished, those who serve on them will be able to run for Mayor or for a seat on the consolidated governing board.

Before the new consolidated government is established, the city and county governments will have adopted their respective budgets for the 1975-76 fiscal years. The new consolidated government will administer these budgets as they were adopted, except that the new government will be able to make any amendments to the budgets that the respective former governing boards could have made. The first consolidated budget will be for the 1976-77 fiscal year and will be adopted by the governing body before July 1, 1976, as required by law.

All officers and employees of the two governments (except members of the governing bodies noted above) will become officers and employees of the consolidated government upon its establishment. They will continue to perform the same functions and work at the same locations until the new governing body reorganizes the administration. Since most functions and activities are carried on by only one of the

merging governments, it is expected that consolidation will not affect the duties or work location of most employees. The charter does require some changes (as noted above), and the consolidated governing board will probably make others as the plan is fully established. On most matters the governing board will have discretion to move as it deems best, and it seems likely that a year or two may elapse before all the changes that may flow from consolidation are completed.

The charter expressly provides that no employee is to be dismissed or have his salary or benefits cut as a result of consolidation. Normal turnover in personnel will enable the new government to make whatever staff reductions become desirable because of consolidation without hardship for any individual employee of the two merging governments.

Upon consolidation, the new government becomes the legal successor to the two merging governments. Into it will be merged all the assets and liabilities of the merging governments and all of their obligations, benefits, and privileges. All the rights and interests of the merging governments and of persons who have contracts or other relationships with them are preserved and continued in the new government.

Thus both the procedure for establishing one government for Durham and its structure are designed to assure that Durham citizens continue to be well served.

THE EXISTING GOVERNMENTAL ARRANGEMENTS

Durham County lies in the North Central-Piedmont portion of North Carolina. The City of Durham is the county seat and the only municipality in the county, except for a very small portion of the town of Chapel Hill, which is principally located in neighboring Orange County. The county has an area of 300 square miles and an estimated population of 134,000 in 1974. The City of Durham covers 40 square miles of this area and includes within its boundaries an estimated population of 100,000.

Durham's industrial development began with the discovery shortly after the Civil War that the county's soil would produce a fine bright tobacco. Demand for the products of the early tobacco factories was increased rapidly, according to local history, by Northern soldiers who took these products with them as they moved back to the North. The cotton mills that made tobacco bags began producing a wider variety of household goods. Today, the area offers a great diversity of manufacturing and services. Insurance, banking, and construction interests have also become well established, while the educational and community service contributions of North Carolina Central University, Duke University, and the Duke Medical Center complement commercial growth. The Research Triangle Park, which contains a large variety of research and development facilities, lies mostly within Durham County and has further enhanced the area's development and reputation.

The county's social and economic life has always been centered in the city, and Durham has long been one of the most urban of all North Carolina counties in terms of the percentage of county residents who live within city boundaries, as Table 2 shows.

The 1970 figures reflect both a major annexation in 1966 and a continuing increase in suburban growth. Growth in the suburban townships that are contiguous with the city boundaries has been far more rapid than in those some distances from the city, but several communities—such as Bahama, Bethesda, Rougemont, and Parkwood—have retained their identities in the unincorporated portions of the county.

In 1970 blacks constituted 38.8 per cent of the city population and 32.7 per cent of the total county population.

TABLE 2

Population of Durham County and City, 1900-1974

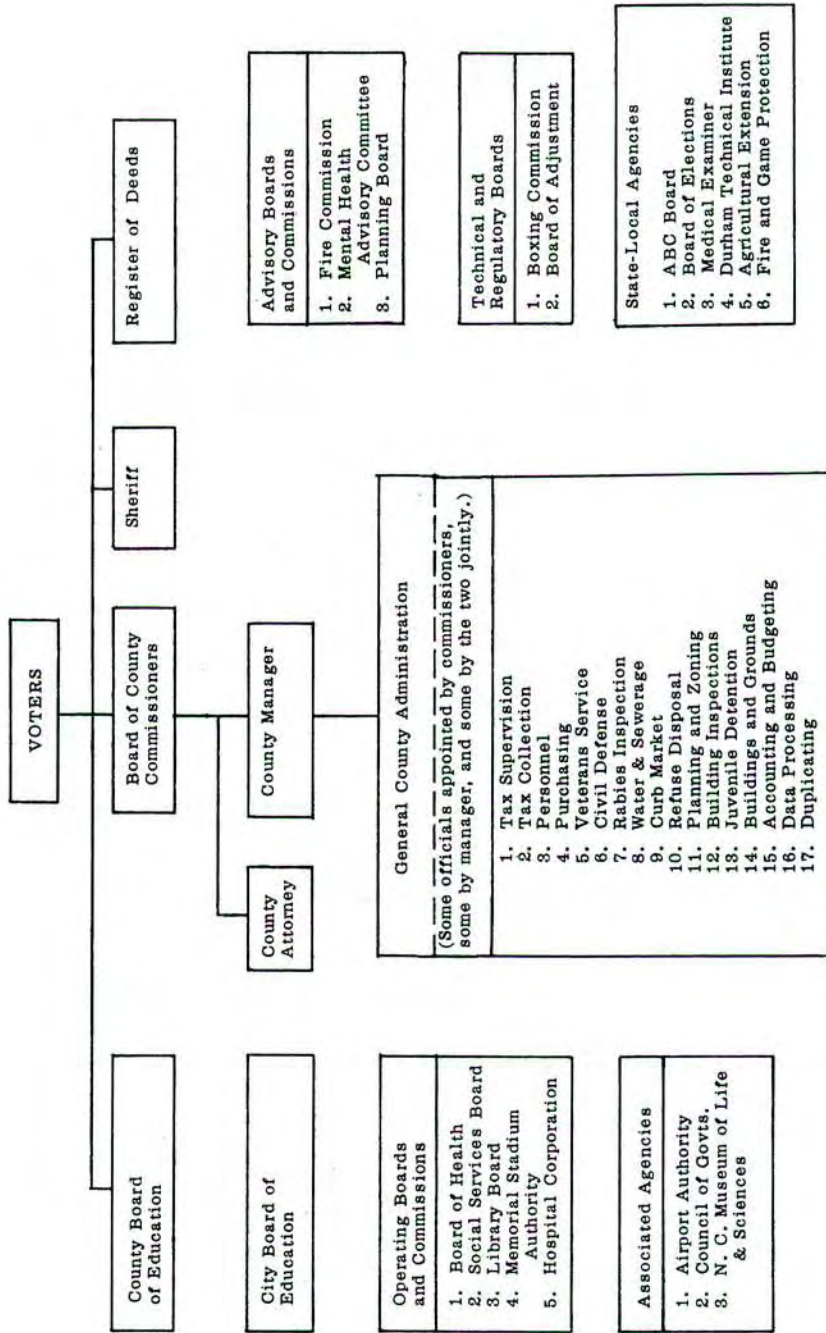
Year	City	County	% of Population Residing in City
1900	6,679	26,233	25.46
1920	21,719	42,219	51.44
1940	60,195	80,244	75.01
1960	79,398	113,083	70.21
1970	95,438	132,681	72.00
1974 (est.)	100,000	134,000	74.62

County Government

The County of Durham was created as a direct result of the city's growth. The city was originally a part of Orange County. By 1880 its population had reached 2,041 and it had become dominant in the county. As it did so, the citizens of Durham and environs began to resent the fact that the seat of government, with its court and other facilities, was located 15 miles away in Hillsborough. After considerable debate, the 1881 General Assembly approved a bill to form a new county out of portions of Orange and Wake counties. The city was designated as the county seat, and after a favorable vote by the people in the area, the new county was officially organized that summer. In 1911, more territory was carved out of Wake County and became Carr Township. Even so, Durham remains one of the smallest of North Carolina's 100 counties.

County governments were originally administrative subdivisions of the state rather than units of local government. They were responsible for law enforcement, road maintenance, the operations of the courts, the recording of property ownership and mortgage records, and the care of the poor and orphans. Over the years, other responsibilities and

Chart 2. General Organization of Durham County Government



functions were added: public schools, welfare programs, public health and hospitals, libraries, agricultural development, and the like. And in the past generation the state has authorized counties to undertake many functions that were originally restricted to cities: recreation and parks, solid waste collection and disposal, water and sewerage services, and, in 1974, mass transit and bus systems. Some functions have shifted away from counties to the state. In the 1930s the state assumed responsibility for all rural roads and in the 1960s for the operations of the courts, except for the provision of court facilities.

In the past two generations, counties have been granted increased regulatory and ordinance-making powers. Thus they may engage in planning, adopt zoning ordinances and subdivision regulations, provide for building inspection, preserve historic structures, and in general adopt ordinances for the protection of the health, safety, and welfare of their inhabitants. As a result, counties are now full-fledged units of local self-government with very broad authority to serve the needs of their citizens. The Table on page 3 shows the extent of their authority and compares it with the power of cities.

Durham County government has acquired all of these powers along with other counties in the state and often has been a leader. For example, Durham was among the first county governments to provide solid waste disposal facilities and county-wide fire protection services.

The major functions of Durham County today, as measured by the extent of *local* financial support, are schools, welfare, and health. To finance these and other activities, the county depends upon the property tax, the local-option sales tax, state and federal aid, and a number of minor revenue sources. The capital portion of the 1973-74 budget is somewhat larger than normal because of the bond proceeds allocated for hospital construction. Also, this budget does not show the substantial state support for the public schools that is expended directly by the schools and does not flow through the county budget.

The 1973-74 budget authorizes positions for 600 employees, excluding all public school personnel.

The chart on page 19 shows the governmental structure of Durham County. The governing body is the board of commissioners, composed of five members elected at large for terms of two years in partisan elections. The board selects the chairman from its own membership.

Responsibility for public schools in the county is divided between the county and city boards of education. The county school's jurisdiction includes all the area outside the City of Durham and a portion

Durham County Government 1973-74 Budget
Major Classes of Revenue

Operating Revenues		
Property tax		\$12,951,889
State and Federal Aid		15,800,370
Welfare ¹	\$14,482,911	
Health ²	754,253	
Other	563,206	
Surplus from Prior Year		1,698,718
Local-Option Sales Tax		1,400,000
Intangibles tax		500,000
ABC Net Revenue		445,000
Other ³		1,091,316
	Total operating revenue	\$33,887,293
Revenue for Capital Projects		
Hospital Construction		\$ 6,080,438
Balance, bonds issued in prior years ⁴	\$ 5,273,938	
Medical Care Commission ⁵	406,500	
Interest Earned	400,000	
Capital Improvement Fund		5,017,357
Federal Revenue Sharing	\$ 3,014,772	
Bonds, 1973-74	1,065,000	
Balance, Prior Years	805,646	
Other	131,939	
	Total revenue for capital projects	\$11,097,795
TOTAL REVENUE		\$44,985,088

1. Of the federal and state aid for welfare, only \$1,319,538 is counted in the official 1973-74 budget total. The balance of \$13,163,373 represents categorical aids that pass through the county and is counted here.

2. Of the federal and state aid for health, only \$244,174 is counted in the official 1973-74 budget total. The balance of \$510,079 represents additional federal and state aid for mental health programs and is counted here.

3. This includes an assortment of fees, charges, contributions from private donors, etc.

4. The \$10,000,000 of hospital bonds enumerated in the 1973-74 budget will not be issued until 1974-75. Therefore, they are not included here for 1973-74.

5. This is an unanticipated revenue that was not included in the originally adopted budget.

Durham County Government 1973-74 Budget
Major Purposes of Expenditures

Operating Expenditures		
Welfare		\$16,917,117
Federal and State aid	\$14,482,911	
Local funds	2,434,206	
Public schools		8,668,816
Education fund	5,927,716	
City tax supplement	1,649,200	
County tax supplement	1,091,900	
Debt service		2,610,323
General operations		1,660,445
Planning, zoning, inspection	131,420	
Tax supervisor	130,805	
Animal control	119,727	
Elections	112,160	
Ambulance service	90,000	
Finance	70,635	
Register of deeds	62,435	
Tax collector	50,648	
Other offices / functions ¹	892,615	
Mental Health		994,614
Public Health		665,378
Library		511,343
Sheriff		466,016
Hospital operations		380,000
Fire protection		375,292
Jail		158,135
Other ²		479,814
Total operating expenses		\$33,887,293
Capital Expenditures		
Hospital construction		6,080,438
Capital improvement fund		5,017,357
Land	\$ 515,600	
Construction	4,501,757	
Total capital expenditures		\$11,097,795
TOTAL EXPENDITURES		\$44,985,088

1. Major items here are the county commissioners, the county manager's office, courts, building maintenance, and fringe benefits for county employees.

2. This comprises \$30,000 for sanitary sewer, \$350,232 for drug-abuse control, and \$99,582 for the Bragtown project.

of the area inside the city; county board members are elected for four-year terms. The city school board is responsible for schools within the remaining portion of the city; its members are appointed by the city council also for four-year terms. Each school board appoints a superintendent, and the administrations are separate. Several unsuccessful attempts have been made to merge the school systems. During school year 1973-74 the county system served 15,200 students and the city system 10,000 students.

Independent appointive boards are responsible for the administration of public health, hospitals, social services, elections, the ABC system, and the public library. The two major county offices of sheriff and the register of deeds are filled by election. The board of commissioners appoints the tax supervisor, the tax collector, and the county manager, who is responsible for the administration of all county affairs not vested in an independent board or commission or an elected official. All independent boards and commissions and the offices of sheriff and register of deeds are supported by funds appropriated by the board of commissioners; in many cases they are also subject to the personnel, purchasing, and other administrative requirements of the board of commissioners.

Durham County government is thus a council-manager government in form and embraces a system of responsibility that is shared among elected officers, independent boards and commissions, and the board of county commissioners as the central and dominant governing authority.

The City of Durham

The City of Durham began as a physical entity in 1854, when a station on the North Carolina Railroad was built on land donated by Dr. Barlett Durham. A small community sprang up around this station. Its population numbered less than 100 in 1865, but in 1866 it was chartered as a town by the General Assembly of North Carolina. Unfortunately, this charter was voided by the first Reconstruction Act of Congress, which held the General Assembly to be illegally constituted. In 1869 the General Assembly tried again, this time successfully. The city was formally organized under the 1869 charter, and the City of Durham became a governmental as well as a physical entity. It showed a population of 256 in the 1870 census.

Under its 1869 charter, the town of Durham was governed by an elected commission of five members and an elected magistrate of police who could call meetings of the commission. The title "magistrate of police" soon became synonymous with "mayor," a term that was soon formally adopted. The town's original corporate limits contained one square mile of territory centered on the warehouse of the North Carolina Railroad. By 1901 this original square mile of "town" had grown to 3.89 square miles, to 22 square miles in 1960, and to 40 in 1974.

Government structure changed with this expansion. By 1899 a governing board consisting of a mayor and seven aldermen was elected biennially. The mayor retained the powers of justice of the peace and conducted a special court for this purpose. In 1903 an eighth alderman was added. In 1921 major charter reforms were enacted that created the position of a city manager and established the principle of wards as electoral districts with a residential basis that now exists. The original four wards were expanded to six in 1947 and have continued to this day. It should be noted that while a candidate must reside in the ward whose seat he or she is seeking, candidates from all six wards as well as those running at-large are voted on by the entire electorate. The council has twelve members who are elected to staggered four-year terms. Elections are held every two years on an at-large basis, and half the council is elected at each election. The office of the mayor has long lost the powers of a police magistrate. The mayor presides at all meetings and may vote on all issues, but the position is primarily ceremonial; the mayor has no appointive powers except to name standing committees and, under state law, members of the housing authority. The council originally appointed a number of city officials; under today's streamlined council-manager system of government, it appoints the city attorney, the city clerk, and the city-manager.

The city manager is the city's chief administrative official and has direct supervision and control over most of the municipal administration. The housing and redevelopment functions operate under separate and independent commissions, and important advisory boards serve in the areas of planning and zoning, recreation, and parks. The chart on page 25 shows the general organization of city government.

Cities in North Carolina developed as units of local self-government with general authority to regulate personal conduct and the use of property and to provide services and functions needed where people

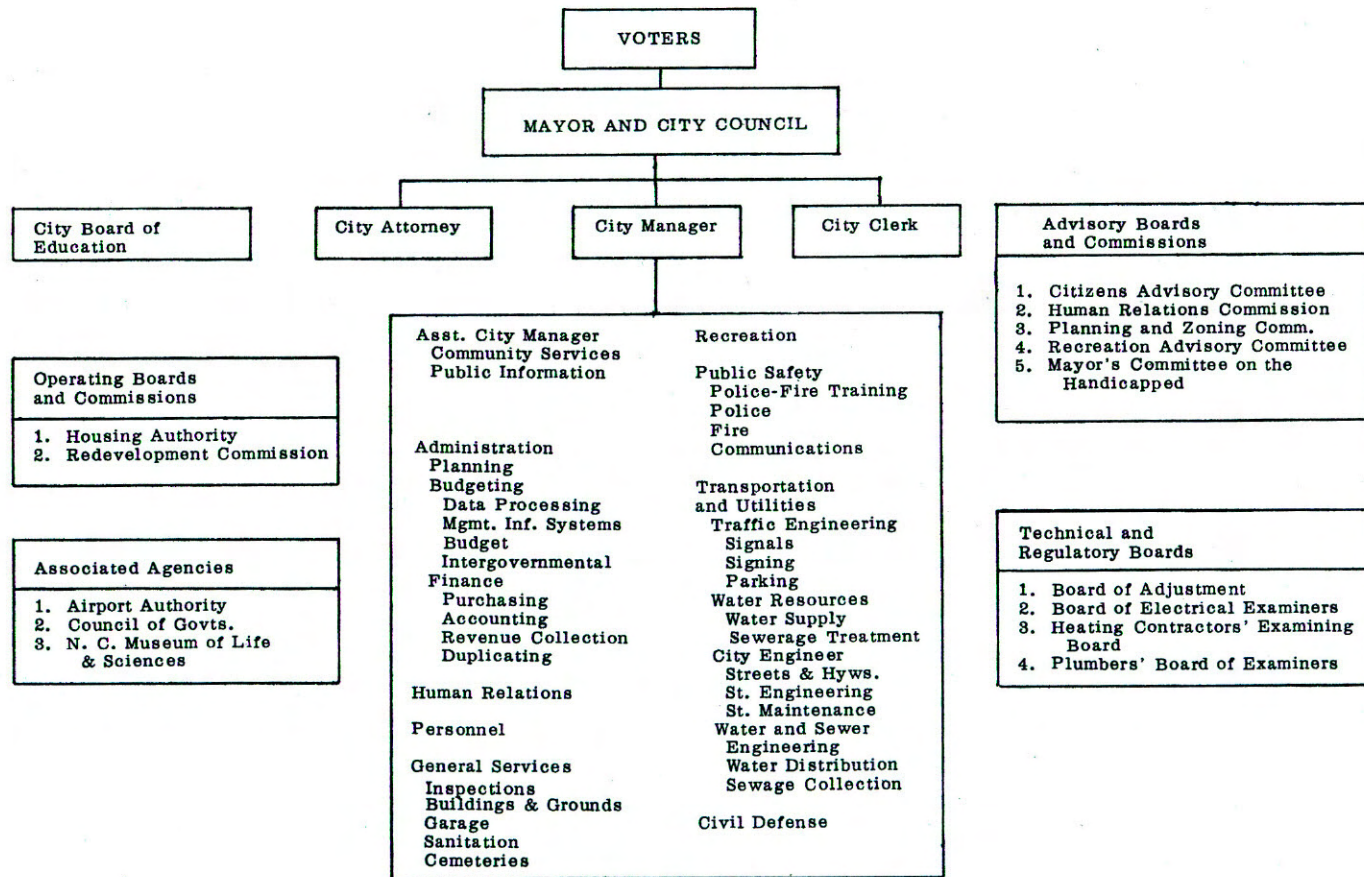


Chart 3. General Organization of Durham City Government

live close together. Over the years the state has given cities increased regulatory powers and authority to provide services, and the City of Durham's activities have reflected this extension of wide authority.

The city's principal activities today are streets, sanitation, water and sewerage services, law enforcement, fire protection, housing and redevelopment, and parks and recreation. Its principal local revenues come from the property tax, utilities charges, and the local-option sales tax, but it also receives substantial sums shared by the state and federal governments. The chief revenue sources and the purposes for which the city spends money are shown in the summary of the 1973-74 budget on pages 26-27. This year's budget authorizes the employment of 1,125 full-time employees, not counting those employed by the independent boards and commissions.

Durham City Government 1973-74 Budget
Major Classes of Revenue

Property taxes		\$ 8,076,493
Water and sewer charges		5,948,306
Federal revenue sharing		5,179,166
State shared taxes		2,495,000
Motor fuel	\$ 1,150,000	
Franchise	695,000	
Intangibles	385,000	
Beverage	265,000	
Funds from other governments		2,726,135
Federal	\$ 1,819,997	
State	537,425	
County	368,713	
Bond proceeds		1,938,842
Special assessments		1,385,000
Local option sales tax		1,300,000
Surplus from prior years		1,297,750
User charges, other than water and sewer		998,697
Use of money and property		748,359
Licenses and permits		433,600
Transfer from reserves (Municipal Utility Development)		268,713
ABC net revenues		180,000
Miscellaneous		71,462
TOTAL REVENUE		\$33,047,523

Durham City Government 1973-74 Budget
Major Purposes of Expenditures

Operating Expenditures		
Water and Sewerage		\$ 6,730,692
Operations	\$ 5,580,692	
Debt Service	1,150,000	
Public Safety		5,409,916
Police	\$ 3,225,346	
Fire	1,570,354	
Communications	506,324	
Administration	107,892	
Public Works		4,808,977
Sanitation	\$ 1,913,809	
Street and Highways	1,623,313	
Other	1,271,855	
General Administration and Finance		1,643,888
Parks and Recreation		830,210
Nonutility Debt Service		866,216
Traffic		577,871
Other		984,105
Fringe benefits, reserves, etc.	\$ 767,485	
Summer youth employment	129,954	
Off-street parking	86,666	
Total Operating Expenditures		\$21,851,875
Capital Expenditures		
City Hall		\$ 2,371,650
Street and Highway Projects		2,154,940
City-County Water Extension		2,149,700
Other Water-Sewer Projects		627,875
Urban Renewal-Lincoln Hospital Neighborhood		597,692
Parks and Recreational Facilities		508,633
Other Capital Projects		2,785,158
General Fund contributions	\$ 846,316	
Bond proceeds	1,938,842	
Total Capital Expenditures		\$11,195,648
TOTAL EXPENDITURES		\$33,047,523

THE NEED FOR CONSOLIDATION

The governmental system in the United States consists of three levels: federal, state, and local. One federal government serves all citizens of the country, and each person in the United States is a citizen of only one state government. But at the local level, where so many governmental services are actually delivered, citizens in most of the country are served by a number of governments. In Durham County, almost three-fourths of all citizens have two local governments to meet their needs.

When the Durham city and county governments were created, the county's population was smaller, the roles of city and county government were distinct and limited, a smaller proportion of the county's residents were also city residents, and the creation of two local governments made sense. At that time the functions of county government were confined to those that served all citizens of the county. Functions of the city government when it was first established and for the first half-century of its existence were principally limited to those needed only by people in urban areas.

In the past 50 years, however, the growth of the county's population and economy, the change in life styles, and the resulting change in the roles of city and county governments have combined to make a single local government the most reasonable way to structure local government today.

The need for a single government—for consolidating the existing governments—may be demonstrated by examining some of the chief characteristics of the Durham community and the desirable features of a local governmental system.

Common service needs. Most Durham County residents today need the same services from their local governments, wherever they may live. All Durham citizens need water and an adequate means of sewage disposal. All need refuse collection and disposal service. All need recreational and cultural opportunities; fire protection; and planning, zoning, subdivision regulation, and other approaches to protecting the environment, to mention only a few of the common

needs. Significantly, all of these needs were once thought to be peculiar to urban residents. Today they are needed county-wide, by all citizens, along with the more traditional county-wide needs for health, education, and welfare services. These common needs of citizens in essentially a single community can be met better by one local government than by two.

Changing roles of cities and counties. As people's needs have changed, the state has increasingly broadened the powers of counties to provide services traditional to municipalities so that residents of unincorporated areas might receive the same services that city residents enjoy. The result is that today Durham County government may provide essentially all the services that the City of Durham may provide except those associated with streets. Table 3 on page 30 shows the chief functions and services that are authorized for cities and counties in North Carolina. Durham's city and county governments have adopted varying approaches to meeting these common needs of Durham citizens. For example, responsibility for financing public libraries has been assumed by the county government exclusively. Water and sewerage services have been extended at times by the city to areas outside its boundaries with county government financial aid. Civil defense, communication, and data-processing functions are jointly supported. But in other areas—for example, building inspection, tax collection, and planning—each government maintains a separate staff to serve within its jurisdiction.

Cooperative and joint arrangements have developed, but often only after years of discussions and negotiations between the two governments. The two-government structure permits duplication of effort, and and proper coordination of plans and policies and is by no means assured. Since both governments now have to a large extent the same package of powers, merging them into a single government with the sum of their respective powers would help assure that service could be provided when needed without conflict or duplication.

Planning. Durham County is a single social and economic community. Local governmental policies on land use, zoning, subdivision regulation, the extension of utilities, the location of major facilities to serve population growth, and commercial and economic development need to be coordinated if the environment is to be protected and the interests of all citizens are to be served. Responsibility in these areas is now divided between the city and county governments, although formal and informal arrangements have been made to secure some measure of coordination. A single, consolidated government, with

TABLE 3
CHIEF FUNCTIONS AND SERVICES AUTHORIZED FOR CITY AND COUNTY GOVERNMENTS IN NORTH CAROLINA

A. Services and Functions Authorized for Counties Only

- | | | |
|---------------------------|-----------------------------|--------------------------------|
| 1. Agricultural Extension | 4. Juvenile Detention Homes | 6. Register of Deeds |
| 2. Community Colleges | 5. Public Schools | 7. Social Services |
| 3. County Home | | 8. Soil and Water Conservation |

B. Services and Functions Authorized for Both Cities and Counties

- | | | |
|------------------------------|--------------------------|------------------------------------|
| 1. Airports | 13. Human Relations | 25. Planning |
| 2. Ambulance Services | 14. Industrial Promotion | 26. Public Health |
| 3. Animal Shelters | 15. Inspections | 27. Public Housing |
| 4. Art Galleries | 16. Jails | 28. Recreation |
| 5. Beach Erosion Control | 17. Law Enforcement | 29. Refuse Coll. & Disposal |
| 6. Bus. Lines & Mass Transit | 18. Libraries | 30. Rescue Squads |
| 7. Civil Defense | 19. Manpower | 31. Sewerage |
| 8. Community Appearance | 20. Mental Health | 32. Urban Redevelopment |
| 9. Community Action | 21. National Guard | 33. Veterans Services |
| 10. Fire Protection | 22. Off-street Parking | 34. Water |
| 11. Historic Preservation | 23. Open Space | 35. Watershed Improvement Programs |
| 12. Hospitals | 24. Parks | |

C. Services and Functions Authorized for Cities Only

- | | | |
|---------------------|---------------------|-------------------------|
| 1. Auditorium | 4. Electric Systems | 8. Street Lighting |
| 2. Cable Television | 5. Gas Systems | 9. Streets |
| 3. Cemeteries | 6. Sidewalks | 10. Traffic Engineering |
| | 7. Storm Drainage | |
-

Notes: Both units have authority to undertake the necessary supporting functions and activities—finance, tax collection, personnel, purchasing, etc.—and to construct buildings and other facilities necessary to provide the listed services and functions. The authority cited in the above list is qualified in some cases. In a few cases, units of only a certain size have the authority. In others, state policy may restrict or limit the authority. And in some cases one unit's action may limit the other's. The list does not include regulatory authority.

county-wide responsibility for planning all governmental services and guiding the development of the county, would provide the most effective planning approach possible.

Representation. Because Durham is a single community with a closely interrelated economic life, the decisions made by both local governments affect almost all Durham citizens to some degree. When the Durham City Council annexes territory to the city, zones areas outside the city, extends water and sewerage services outside the city, or undertakes housing and redevelopment programs—to name only a few examples—many citizens who live outside the city are also affected. These citizens, however, have no voice in electing members of the City Council. In a consolidated government the single governing board, elected by citizens throughout the county, would be responsible for making all of these and other decisions. Every citizen would be represented on the single governing board to the same extent as every other citizen.

Responsibility. A consolidated government fixes responsibility clearly—an essential requirement for responsible government. There can be no local “buck passing” in a consolidated government, and everyone knows which local government is responsible for each local function. Questions of jurisdiction are eliminated. The single local government has total responsibility, and may be held accountable for all actions and inactions.

Effectiveness. Effective local government requires a means for reaching agreement on goals, on programs, and on how to implement them. Effective local government requires that policies adopted for various services and functions complement each other rather than work at cross-purposes. Effective local government demands that the community's resources be allocated wisely and with regard for all needs. The key element to achieving effective local government is the people who make the decisions and accomplish the work. But good people cannot do the job unless the structure for making decisions and for taking action enables them to perform effectively. Merger of Durham's two local governments would create such a local governmental structure. Effectiveness would be enhanced particularly in areas that now require cooperative action. With two governments, it is often necessary to secure joint approval or cooperation before action is taken (for example, extending a water line to a new industry or residential subdivision). Prompt action would clearly be easier when only one government must make a decision on these matters.

Economy. Durham needs a consolidated government because it needs the most economical government possible. In the administrative area, for example, more economical government is possible through the merger of such functions as finance, tax collection, personnel, purchasing, and other general administrative services. Coordinating and planning of all types of buildings and other public facilities and properties on a county-wide basis would also lead to economies. Combining the functions of both local governments would permit space and facilities to be shared on a planned basis that could lead to sizable savings.

Equity. Equity in taxation is a major goal of every government. It results from the proper use of both taxing and spending power of governments. The kinds of local taxes that are levied and other revenue-raising measures reflect decisions made by the city and county governments and also those made in Raleigh and Washington. Spending decisions, on the other hand, are to a greater degree made by the governing boards of two local governments.

The current mixture of service arrangements and taxing and pricing policies of the two governments has given rise to some charges of unfairness. For example, customers of the city water system who live outside the city are, from their perspective, customers of an "unregulated" utility, since the state Utilities Commission does not regulate the city's water charges. And unlike their fellow citizens within the city, they may not vote for the members of the rate-setting body, the city council.

Also, there have at times been complaints that the county government provides from county-wide revenues some services to county citizens outside the city that it does not provide to county citizens inside the city. For example, the law enforcement activity of the Sheriff's Department is in practice confined to the area outside the city.

Many other examples of arrangements that are sometimes considered to be inequitable could be cited. The exact extent or nature of the inequities under the present arrangements may not be documented, but there appears to be widespread agreement that they do exist. A consolidated governing board, representative of all citizens of the county and responsible for making all the local taxing and spending decisions, would be in a much better position to achieve equitable taxation for all Durham citizens than are the two existing governing boards acting separately. Furthermore, recent amendments to the North Carolina Constitution were designed to help consolidated city-county governments relate levels of spending with levels of government.

The Imperative Choice

The consolidation of city and county governments in Durham is no longer a simple choice—it is imperative if Durham is to have a fully adequate local governmental structure for the present and the future.

If past trends continue, more and more of Durham's population will become urban and the boundaries of the city will continue to expand by annexation. It appears certain, without consolidation, that the proportion of Durham citizens served by the two local governments will increase from the three out of four at the present to nine out of ten in the near future.

Costly duplication of functions and failures of coordination are certain to continue without consolidation. Citizens will receive one package of services from one government and another package from the other. If past experience is projected, each of the local governments will adopt its budgets and set its tax rate largely without consulting the other. Even though they both serve substantially the the same body of citizens, the two governments will continue to split the county into two jurisdictions for the purpose of planning and zoning; of sharing responsibility for guiding growth and development; in acting to meet the needs of Durham citizens for recreation, open space, and environmental protection; and in planning public buildings and other major facilities.

Durham citizens need more efficient and economical local government and more equitable local taxation. The community of Durham needs a more representative and responsible local governmental structure. The need to consolidate Durham's city and county governments is as urgent as it is evident. The time for one government for Durham is now.

Appendixes

Appendix A. OTHER RECOMMENDATIONS OF THE COMMISSION

In writing the proposed charter, the Commission sought to provide the framework for the new government without determining the departmental structure. However, throughout the study, the Commission's respective committees found many areas where a reorganization of functions would be necessary or desirable to bring about needed improvements. Many proposals for such reorganization were not included in the charter for one or more of these reasons: (1) to leave departmental restructuring to the governing board's discretion, (2) to secure further study of a particular area by a separate body, or (3) to avoid state constitutional violations.

This section outlines the Commission's recommendations for administrative structure. Although not part of the proposed consolidation plan, these recommendations were submitted to the new government for its consideration.

Administrative Structure, Regulatory Functions and Service Activities

After considering several ways to provide basic administrative services to all departments, agencies, boards, and commissions of the consolidated government, the committee whose province this was recommended that this responsibility of the consolidated governments be housed in two departments.

(1) *Department of Administration*, to be responsible for, but not limited to, the following functions: (a) *Personnel Services*, to include personnel management and research; manpower planning and forecasting; orientation of new employees; recruitment; examination and testing; employee placement; employee benefits; administration of position classification and pay plan; employee evaluation and motivation; training and career development; employee health and safety; and labor relations; (b) *Central Services*, to include procurement; testing and quality control; printing and duplicating; central store;

microfilm operations; disposal and sales; inventory control; messenger, mail, and telephone service; building maintenance; janitorial services; land management, including but not limited to negotiations, purchases, rights of way, easements, off-street parking operations; and automotive and equipment maintenance; (c) *Data Processing Services*, to include computer systems analysis; computer programming; operation of electronic data-processing equipment; and provision of electronic data-processing services to all departments and agencies of the consolidated government; and (d) *Budget and Management Services*, to include preparation, adoption, and control of budgets; preparation of multi-year operating needs forecasts; preparation of a capital budget and a five- to six-year capital improvement program; management and operation analysis; management reporting; management research; and records management.

(2) *Department of Finance*, to be responsible for treasury functions; general accounting functions; internal auditing; nontax revenue collections; and tax assessments and collection.

This approach centralizes the basic administrative services in one department and places the financial housekeeping functions in another.

The Commission feels that these recommendations, as organizational details, should be excluded from the charter but conveyed to the new governing board for consideration as the board develops the organizational structure of the consolidated administration.

Also, as an outgrowth of this committee's work, the Commission recommends that the governing body consider creating a Commission on Moral Welfare to combat the growing influence of pornography and obscenity within Durham County.

Education

The Commission early decided that the school system should not be affected by governmental consolidation. The committee studying health, education, and welfare re-emphasized this viewpoint and based its position on: (1) the separateness of the functions of schools and general government; (2) the voters' rejection in 1971 of a proposal to consolidate the school systems; and (3) the need for further study of the schools by a separate body. In light of the last factor, the Commission decided in 1972 to recommend that a broad-based school study commission be established—composed of representatives of a wide cross-section of the county's citizens, according to geography, sex, socioeconomic status, race, and age—to study the city and county

schools comprehensively and make recommendations for their support and organization.

The Commission's Committee on Health, Education, and Welfare originally made this recommendation in conjunction with the Education Committee of the Durham Chamber of Commerce. The Chamber group then asked the city and county school boards to create such an education commission. The school boards have since authorized the establishment of a commission—the Study Committee on Public Education (SCOPE), to be composed of fifty members from various organizations throughout Durham County.

Planning and Regulation of the Physical Environment

Because the housing, urban renewal, and inspection functions are so closely related, the Commission recommends that the Housing Authority of the City of Durham and the Redevelopment Commission be merged into a Department of Housing and Urban Development, with a citizens' committee to advise on housing and development matters and to aid in administrative matters to the degree delegated by the governing body. This department would be responsible for public housing, urban renewal, inspections, and code enforcement.

This recommendation concerns an organizational matter that would have been included in the charter except that the State Constitution prohibits local acts, of which the proposed charter is one, in the area of public health. But existing general law permits cities and counties to combine housing and redevelopment agencies. Thus the new governing body will have authority to implement this recommendation.

Public Safety

Public Safety Department. The Commission's Public Safety Committee recommended to the Commission that the proposed charter terminate the public safety program operated by the City of Durham and require that the consolidated government provide for separate fire and police departments. The Commission concludes that it could not evaluate the current public safety program of the city adequately and that the new government, after its establishment, should undertake its own evaluation of this activity.

Public Works, Utilities, and Enterprises

The Commission also recommends the following structural arrangements upon consolidation:

Public Works Functions. That a Department of Public Works be established to perform the following functions in the consolidated government: engineering, street maintenance, storm drainage maintenance, solid waste collection and disposal, cemetery maintenance, and water distribution and sewage collection.

The public works functions are now performed only by the City of Durham and encompass all of the activities listed above.

Water Resources. That a Department of Water Resources be established to be responsible for the water supply and waste water treatment facilities for the consolidated government.

These activities are now performed by the city's Department of Water Resources. The county owns one waste water treatment plant that is operated by the city under contract with the county.

Traffic Engineering. That a Department of Traffic Engineering be established to be responsible for all activities relating to the safe, expeditious movement of goods and people on city streets. This should include conducting traffic studies and surveys, designing street intersections, and installing and maintaining street lighting and traffic signals and signs. This function is now performed inside the City of Durham by the city's Department of Traffic Engineering, and outside the city by the State Highway Department.

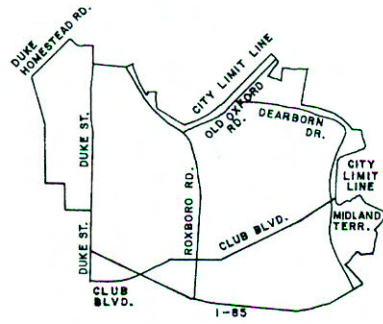
Parks and Recreation. That a Department of Parks and Recreation be established to be responsible for providing recreational programs and facilities and for maintaining park lands. Except for the Memorial Stadium Authority, which operates the stadium for the county, these activities are now performed by the city.

The Commission further recommends that the Memorial Stadium Authority be abolished and that the stadium operation become a part of the over-all recreational activities provided by the consolidated government to afford better coordination of functions in this area. To coordinate maintenance of park facilities with recreational programming, the Commission recommends that park maintenance be included as a function of the Parks and Recreation Department.

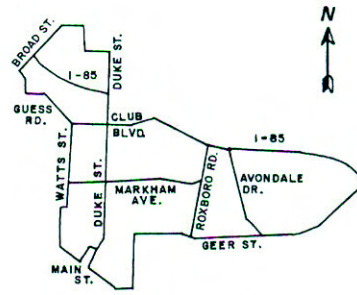
Appendix B. MAPS OF ELECTORAL DISTRICTS

Pictured below and on the following pages are outline maps of the sixteen electoral districts from which the members of the Board of Government will be elected. The maps are designed to show boundaries of the districts only. They are not drawn to the same scale and do not show comparative area.

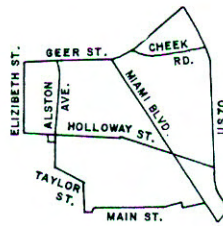
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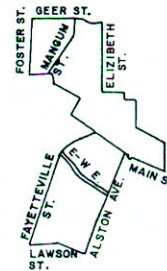
DISTRICT 2



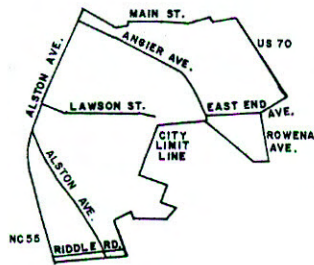
DISTRICT 3



DISTRICT 4



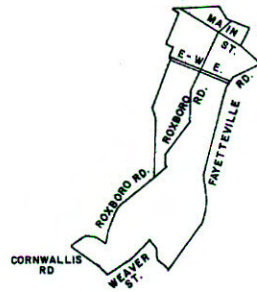
DISTRICT 5



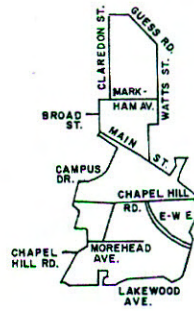
DISTRICT 6



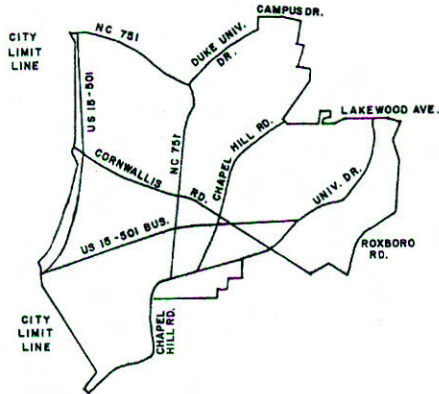
DISTRICT 7



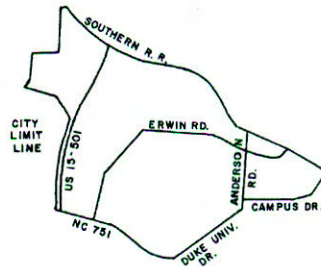
DISTRICT 8



DISTRICT 9



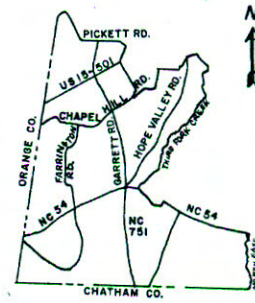
DISTRICT 10



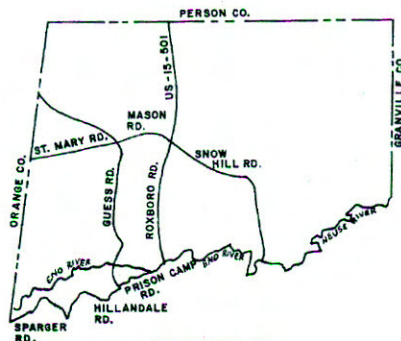
DISTRICT 11



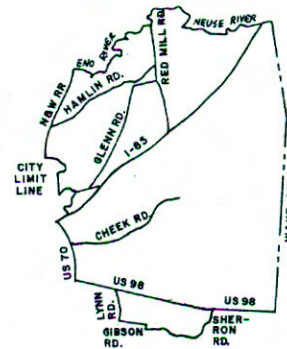
DISTRICT 12



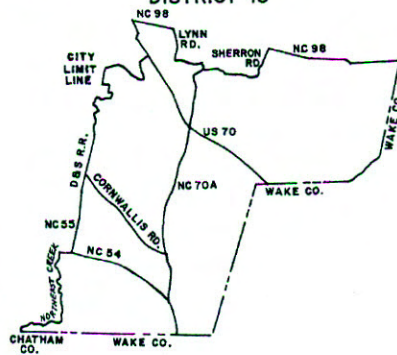
DISTRICT 13



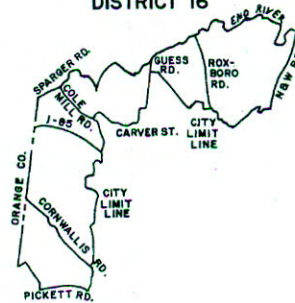
DISTRICT 14



DISTRICT 15



DISTRICT 16



Appendix C. THE COMMISSION AND ITS WORK

The Durham City-County Charter Commission was established as authorized by an act of the 1971 General Assembly of North Carolina (Chapter 600, 1971 Session Laws). That act provided that the Chairman of the Charter Commission would be appointed by the joint action of the Mayor of the City of Durham and the Chairman of the Durham County Board of Commissioners. The Commission's forty-one other members were to be appointed by eighteen different organizations and groups. These groups and the members of the Commission appointed by each are listed on pages iv-vi on this report.

The Commission first met on September 21, 1971, and organized promptly. It selected officers from its membership and created an executive committee authorized to handle most administrative and organizational matters for the Commission. (See the back cover for a list of officers and members of the Executive Committee).

Daryl Funches Penny was employed by the Commission as its administrative assistant. She served from December 1971 through June 1973 on a full-time basis and occasionally until the Commission finished its work in May 1974.

The Commission contracted with two consultants for special services. Public Research and Management, Inc., of Atlanta, Georgia, worked with the Commission and its committees in studying the existing governments of Durham County and in reaching preliminary decisions about the structure, organization, and powers of the proposed consolidated government. The Institute of Government of the University of North Carolina at Chapel Hill was the Commission's chief legal adviser and was primarily responsible for drafting the proposed charter and companion legislation necessary to carry out the Commission's decisions. Staff members of the two consulting organizations who participated in the Commission's work are listed on the back cover of this report. Public Research and Management served from December of 1971 through December of 1972. The Institute of Government's activities started at about the same time and continued throughout the life of the Commission. For the study phase of its work, the Commission created six committees: Public Works, Utilities and Enterprises; Public Safety; Governmental Structure and Representation; Planning and Regulation of the Physical Environment; Health,

Education, and Welfare; and Administrative and Regulatory Functions and Service Activities. (The members of each committee are listed on the inside back cover).

The study committees, in their respective areas, carefully investigated the current arrangements and activities of the two local governments, reviewed reports from the consultants and others on arrangements in other jurisdictions, held public meetings at which local officials and citizens were invited to present both information and recommendations, and developed recommendations to the full Commission as to how the particular functions and activities that each studied should be organized in a consolidated government.

By mid-August 1972 the study phase of the Commission's work was nearly done; all the committees had reported and the Commission's first preferences on the various aspects had been expressed.

Altogether, the study committees held some 50 meetings that were also attended by officials and citizens. All meetings were open to the public, and many were covered by representatives of the news media.

The First Discussion Draft of the proposed charter (dated August 10, 1972) was issued on September 1, 1972. More than 500 copies of this draft were printed and distributed to members of the City and County governing boards, the organizations that made appointments to the Commission, members of various public boards and commissions, libraries and schools, administrative officials in local governments, the news media, and interested citizens.

Between early September and the end of November, the Commission and its committees met often to review the First Draft in detail and to report on its work for local officials and representatives of the appointing organizations. The review resulted in a great many minor changes and several major ones in the language of the First Draft.

These changes were incorporated into the text of the Second Discussion Draft that was given preliminary approval by the Commission on November 30, 1972, and was issued on December 15, 1972.

The legislation that established the Charter Commission required the Commission to hold public hearings on the draft of the charter that had received preliminary approval before the Commission gave final approval to any charter or plan for consolidation. The public hearings were advertised and given wide public notice. The Second Discussion Draft was distributed even more widely than the First Draft, and copies were placed in public and school libraries throughout the county to make them easily available to interested citizens.

More than 200 people attended each of the public hearings. About

50 persons, some as individuals and others as representatives of groups or organizations, offered comments and suggestions. The provisions of the proposed charter that received most comment were those that concern planning and the prohibition of discrimination, although nearly all parts of the charter were touched upon.

During the three months following the hearings, the Commission reviewed the citizens' comments and suggestions and made many changes in the text of the Second Discussion Draft. By May 1973 the Commission had generally agreed on all revisions of the Second Draft except for Chapter 9, Prohibition of Discrimination. The Commission then decided to recess until fall.

The legislation that established the Charter Commission had scheduled it to terminate in August 1973. Well before that date, the Commission members realized that they would not be finished by then. In May an amendment to the 1971 act was secured that extended the Commission's life until March 15, 1974 (Chapter 530, 1973 Session Laws).

In November 1973 the Chairman called the Executive Committee together for the first of several meetings on the substance of Chapter 9. These meetings continued through December 1973 and early January 1974. On January 21, 1974, the Executive Committee agreed on a revised text of Chapter 9 to recommend to the full Commission.

The Third Discussion Draft of the proposed charter was a combination of the Executive Committee's recommended text of Chapter 9 and a previously revised text of the rest of the charter. It was dated January 21, 1974, and was issued on February 1, 1974. After two meetings to consider the Third Draft, the Commission approved the final draft of the charter on February 7, 1974.

On that same date, the Commission initiated arrangements to have the charter enacted by the General Assembly and set September 10, 1974 as the date for the county-wide referendum on consolidation.

The North Carolina General Assembly ratified the charter legislation (Chapter 989, 1973 Session Laws) on March 15, 1974, the date on which the Charter Commission officially terminated. As directed by the Commission, the Executive Committee had already arranged for the Commission's report to be issued and the charter to be published by early summer of 1974.

The legislation that established the Charter Commission provided that its work should be supported by the governments of the City of Durham and Durham County. During the almost three years of its life, the Commission requested and received \$66,546 from the two govern-

ments. It completed its work within the budgeted funds and returned to the two governments \$65.04 in unspent funds when it terminated.

Finally, the Commission arranged to have full sets of its reports and documents deposited in the Durham Public Library and the Duke University Library in recognition of the interest of citizens and scholars in its work.

**Appendix D. LISTINGS OF MEETINGS AND PUBLIC HEARINGS
OF THE CHARTER COMMISSION AND ITS COMMITTEES**

Study Committee Meetings

Governmental Structure and Representation Committee

December 14, 1971	May 17, 1972
January 4, 1972	June 7, 1972
January 18, 1972	June 28, 1972
February 1, 1972	July 27, 1972
February 29, 1972	August 16, 1972
March 14, 1972	

Administrative and Regulatory Functions and Service Activities Committee

December 14, 1971	March 1, 1972
January 5, 1972	May 3, 1972
February 2, 1972	June 7, 1972

Planning and Regulation of the Physical Environment Committee

December 14, 1971	March 15, 1972
January 12, 1972	April 12, 1972
January 26, 1972	May 10, 1972
January 27, 1972	June 14, 1972
February 9, 1972	

Health, Education, and Welfare Committee

December 14, 1971	April 12, 1972
January 12, 1972	May 10, 1972
February 9, 1972	June 14, 1972
March 8, 1972	August 16, 1972

Public Safety Committee

December 14, 1971	March 1, 1972
January 5, 1972	May 3, 1972
February 2, 1972	May 23, 1972

Public Works, Utilities and Enterprises Committee

December 14, 1971
 January 12, 1972
 February 1, 1972

March 7, 1972
 May 2, 1972

Executive Committee Meetings

November 11, 1971
 November 23, 1971
 January 27, 1972
 April 6, 1972
 May 17, 1972
 June 8, 1972
 July 20, 1972
 August 23, 1972
 September 6, 1972

September 13, 1972
 October 27, 1972
 January 3, 1973
 March 9, 1973
 November 26, 1973
 December 5, 1973
 January 15, 1974
 January 21, 1974
 March 6, 1974

Commission Meetings

September 16, 1971
 September 21, 1971
 October 26, 1971
 November 23, 1971
 December 14, 1971
 April 10, 1972
 May 2, 1972
 May 17, 1972
 June 8, 1972
 June 28, 1972
 July 27, 1972
 September 19, 1972

September 27, 1972
 October 11, 1972
 October 18, 1972
 November 30, 1972
 February 7, 1973
 February 20, 1973
 February 27, 1973
 March 20, 1973
 April 10, 1973
 May 15, 1973
 January 31, 1974
 February 7, 1974

Public Hearings

January 17, 1973

February 1, 1973

Appendix E. LISTING OF REPORTS AND DOCUMENTS

Staff Memoranda

Governmental Structure and Representation Committee

Public Research and Management, Inc.

- Background Information Relative to First Decision Agenda, January 4, 1972, pp. 18.
 First Decision Agenda, January 4, 1972, pp. 12.
 Forms of Government, January 4, 1972, pp. 23.
 Second Decision Agenda, April 4, 1972, pp. 6.
 Background Information Relative to Second Decision Agenda, April 4, 1972, pp. 8.
 Financing the Consolidated Government: Third Decision Agenda, June 1972, pp. 7.
 Elections, July 27, 1972, pp. 6.

Administrative and Regulatory Functions and Service Activities Committee

Public Research and Management, Inc.

- Staff Functions Decision Agenda, January 4, 1972, pp. 4.
 Department of Finance Decision Agenda, February, 1972, pp. 1.
 Personnel Decision Agenda, February, 1972, pp. 2.
 Background Information Regarding Various Service Activities and Regulatory Functions, April 4, 1972, pp. 4.
 Decision Agenda, April 4, 1972, pp. 3.
 Revised Decision Agenda, May 2, 1972, pp. 4.
 Transmission of Committee Recommendations, June 7, 1972, pp. 16.

Planning and Regulation of the Physical Environment Committee

Public Research and Management, Inc.

- Background Information on Planning and Regulation of the Physical

Appendix F. HISTORY OF PAST EFFORTS FOR CONSOLIDATION

The current interest in consolidating city and county governments in Durham is not new. It is, in fact, a half-century old. In each of the last four decades, special committees and groups have been formed to make studies and to suggest arrangements for partial or complete consolidation of the governments or of one or more governmental functions. The chief efforts are reviewed briefly here.

The 1932 Proposal

Although interest was evident as early as the first part of this century (a joint city-county health department was established by legislative act in 1913, for example), it appears that the first substantial effort was one by the Durham Chamber of Commerce, which created a special study committee on governmental consolidation in 1930. The Chamber's final report, entitled *Proposed Consolidation of City and County Government*, was issued in December 1932 and represented the first major recommendation for consolidation.

The plan called for full functional consolidation of city and county governments. One set of officials would have served for both city and county governments, while the corporate existence, rights, duties, and functions of both would have remained. The plan recommended the establishment of a joint governing body, the Durham Consolidated Commission, composed of seven members, five of whom were to reside within the city and be elected at large by the voters of the city and two of whom were to reside within the county outside of the city and be elected at large by the voters of the entire county. All members of the commission were to vote on matters relating to Durham County government activities. The five commission members elected from within the city were to adopt ordinances, levy taxes, and take other actions for the city government.

The council-manager plan was to be the form of government; a single manager was to head the administration of both city and county functions. Organizationally, some functions were to remain separate and others (tax collection, for example) were to be combined. Schools were not to be affected by the plan.

volved. Issuance of bonds the proceeds of which will be used in this manner will require majority approval in the urban service districts as well as in the county-wide vote.

The Durham government will not have limitations on general obligation indebtedness for water, sewerage, gas, and electric purposes. General obligation indebtedness for school purposes may not exceed 8 per cent of the appraised valuation of taxable property in the county. The charter also imposes a separate 8 per cent limitation for all purposes other than schools and utilities.

Planning and Regulation of Development. The Commission made special efforts to strengthen the role of planning and regulation of land development in order to keep pace with the demands and prepare for the future of a growing urban environment. To this end, the charter provides that the Board of Government shall create a new and revised Department of Planning, effective July 1, 1976. The department will be responsible for current planning; urban renewal planning, research and studies of the Durham area, and technical assistance to other departments in planning for the Durham government. The department will also prepare a comprehensive development plan for Durham County based on community goals and a land capability and use survey. Also among the department's duties are drafting recommended zoning ordinances, zoning maps, subdivision regulations, and other land development controls to implement the comprehensive plan and conducting review procedures for subdivision plans, proposed plats, and amendments to the zoning ordinances. Finally, the department will help the Durham government's advisory planning body, the Citizens' Planning Commission.

The Citizens' Planning Commission (CPC), to be effective July 1, 1976, will have seventeen members—one from each of the sixteen electoral districts and one at large, all appointed by the Board of Government to three-year staggered terms. No member may serve more than two consecutive terms. The structure of the CPC is consistent with that of the Board of Government and indicates another attempt to achieve broad racial, socioeconomic, and geographic representation. The CPC is responsible for developing and recommending proposed statements of comprehensive community goals and objectives in the development of Durham County to the Board of Government. It will also have the opportunity to review and make recommendations regarding all proposed development plans prepared by the Department of Planning. This review opportunity also extends to all proposed development plans for constructing or expanding public

from which each was standing, but would have been elected at large. The eighth would have been elected at large with no residency requirements. All board members were to have been elected for staggered, four-year terms. The chairman would have been elected at large for a two-year term.

- B. Nonpartisan elections in odd-numbered years.
- C. A council-manager form of government.
- D. Transformation of the City of Durham into a general urban services district with separate corporate existence and a three-person board to decide on levels of services and to levy taxes, but without administrative powers. All administration was to be consolidated. (Under the State Constitution at that time it was necessary to retain a separate corporate existence for the urban area if separate taxes were to be levied in that area.)
- E. No change in arrangements for the public schools.

In a referendum held on January 28, 1961, the voters rejected the proposed charter for Durham County Unified (the proposed name of the new government) in a county-wide ballot by a vote of 14,355 to 4,115.

Cooperative Efforts Since 1961

Cooperative arrangements between the city and county governments have steadily expanded since 1961. A standing committee of the two governing boards gives continuing attention to joint matters, and both governments, through membership in the Region J Council of Governments, cooperate with each other and with neighboring local governments. In a number of areas special arrangements have been worked out. For example, water and sewerage services have been extended outside the city, often with county financing. The county has provided sewerage treatment facilities for the Research Triangle area that are operated by the city. And in data processing, animal protection, fire protection, civil defense, and communications, the two governments have jointly sponsored activities under a single administrative arrangement.

In 1970 the Chamber of Commerce sponsored an extensive study of the two governments and their administrative and financial relationships. This study found that several functions had been consolidated in recent years and pinpointed areas in which further consolidation or cooperative relationships might be explored. Its report, entitled *Government: A Report on City and County* and published in the fall

of 1970, contains detailed information on arrangements and financing at that time.

While the 1970 work was accomplished under Chamber of Commerce sponsorship, the Local Government Citizens Committee (more than 40 people) that was responsible for directing the effort represented a wide cross-section of the community. It was that committee's efforts that sparked the new interest in consolidation and led, in the fall of 1971, to the creation of the second Durham City-County Charter Commission whose recommendations are outlined in this Report.

Study Committees

Public Safety

Mickey Fogleman, Chrmn.
Lee Barnes
S. D. Dillard
William C. Mann*
G. S. Nixon
W. A. Roseborough
*Member and Chairman from
September 1971, to June 1972

Public Works, Utilities and Enterprises

James D. Farthing, Chrmn.*
J. B. Brame
Victor A. Bubas
Harris C. Johnson
Martin H. Maynor, Jr.
*September 1971, to September 1972

Health, Education and Welfare

Lena Marley, Chrmn.
C. M. Allen
Josephine D. Clement
Charles Davis
Virginia Duncan Edwards
John D. Lennon
O. C. Mitchell, Jr.
Christine E. Vick

Planning and Regulation of the Physical Environment

Nathaniel B. White, Chrmn.
Oliver W. Alphin
Ninian Beall
Watts Carr, Jr.
Lonnie L. Wilson

Government Structure and Representation

Philip R. Cousin, Chrmn.
R. D. Adams
F. V. Allison, Jr.
Lew G. Brown
Victor S. Bryant, Jr.
A. J. H. Clement, III
Walter O. Daye
I. L. Dean
Richard Leach
Willie C. Lovett*
Helen D. Pratt
C. C. Woods, Jr.
*September 1971, to August 1972

Administrative and Regulatory Functions and Activities

W. T. Coman, Chrmn.
Robert F. Cooke
Joseph B. High
J. C. Scarborough, III
Leroy T. Walker