

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 222
HOUSE BILL 536

AN ACT PROVIDING FOR AN ELECTION UPON THE CONSOLIDATION OF
THE GOVERNMENTS OF NEW HANOVER COUNTY AND THE
MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

Section 1. The Wilmington-New Hanover Charter Commission, created by the Board of County Commissioners of New Hanover County and the City Council of Wilmington on April 27, 1970, is hereby authorized and directed to prepare and submit a proposed charter of consolidation to the voters of New Hanover County in a county-wide election on a date to be fixed by the Commission, but not earlier than February 10, 1972.

Sec. 2. The Commission shall have the duty:

- (a) to study the powers, duties, functions, responsibilities and organizational structure of all local governmental units and agencies in New Hanover County;
- (b) to prepare a report on its studies and findings, and a general plan of local government for the county;
- (c) to prepare a proposed charter that provides for the reorganization and reallocation of local governmental powers, duties, functions and responsibilities into a single government for New Hanover County.
- (d) to include in the charter a plan whereby, after the initial consolidation of the County and the City of Wilmington, that other incorporated towns in the county may elect to become an integral part of the new government;
- (e) to submit the proposed charter to the voters of the county as provided in this act;
- (f) to prepare drafts of the proposed charter, proposed constitutional amendments and legislation as may be necessary for the adoption of the new plan of government.

Sec. 3. All local units of government and agencies shall cooperate with the Commission and furnish records, reports, and such other information as the Commission may request for the completion of its study.

Sec. 4. After completion of the proposed charter the Commission shall meet with the governing bodies of New Hanover County and the City of Wilmington in order to present the proposed charter, and shall make the text of the charter available for public inspection in the office of the clerk of superior court.

Sec. 5. After meeting with the county and city governing bodies, and after making any changes deemed desirable as a result of such meeting, the Commission shall submit the proposed charter to the voters as provided in Section 1. The election shall be

held and conducted by the New Hanover County Board of Elections, and the expenses of such election shall be paid by the county.

Sec. 6. The form of the ballot shall be as follows:

- ☐ FOR Consolidation of the Wilmington and New Hanover
County Governments
- ☐ AGAINST Consolidation of the Wilmington and New
Hanover County Governments

If a majority of those voting vote in favor of the consolidation, the Commission shall set a date on which the new government shall become effective, provided, however, that the new government shall not become effective until the charter has been enacted into law by the General Assembly of North Carolina.

Sec. 7. The charter shall provide transitional steps for the transfer of functions, duties, responsibilities, property, revenues, and obligations from the existing governments to the new government. This may be in a single step or in stages. The charter shall provide for the election of the first governing board of the new government, and may provide for the extension of the terms of office of all existing officers until the new election for officers can be held, or for the reduction of their terms of office and may provide for the abolition of any office, except constitutional offices, which are to be replaced by the new government.

Sec. 8. If any provision of this act is held invalid, such invalidity shall not affect other provisions of this act which can be given effect, and to this end the provisions of this act are declared to be severable.

Sec. 9. This act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1971.