

Wilmington – New Hanover County II – Summary

Governing board. The Charter Commission's proposed charter would have created a Board of Representatives, comprised of a separately-elected mayor and eight representatives. The mayor and four representatives were to be elected at large, and the remaining four representatives were to be elected by and from electoral districts. The mayor was to serve a four-year term, and the representatives were to serve staggered four-year terms. Elections were to be nonpartisan and on the municipal election schedule. The Joint Committee's proposed charter retained a governing board – renamed the Board of Commissioners – of eight members plus a separately-elected mayor, but all board members were to be elected at large. Otherwise, the Joint Committee's provisions for the governing board were the same as with the Commission's proposed charter.

Form of administration. The Charter Commission's proposed charter would have retained the manager system, but it would have increased the power of the mayor and slightly increased the number of appointments made by the governing board. Most of the governing board's appointments involved mandatory recommendations from other officials or groups. Interestingly, the proposed charter required a 2/3 vote of the board to appoint or remove both the manager and the attorney. In addition, the board would have appointed the police chief, the fire marshal, the fire chief, and the director of emergency medical services. For most of these appointments, the board was to act upon nominations made by one or more other officials, as follows:

- Manager, upon nomination by the mayor.
- Attorney, upon nomination of the mayor.
- Clerk, upon nomination of the mayor.
- Chief of police, upon nomination from a committee comprised of the mayor, the manager, and the sheriff.
- Fire marshal, upon nomination of the manager.
- Fire chief, upon the joint nomination of the manager and fire marshal.
- EMS director, upon nomination of the manager.

The diffused appointment system for county government established by state law was also to remain in place. Otherwise, all appointments were by the manager.

The Joint Committee's final proposed charter retained the manager system, reduced the appointments made by the governing board, and deleted most of the complicated appointment procedures. The board was to appoint and remove the manager, the attorney, the clerk, the police chief, and the fire chief. This version of the proposed charter did continue to provide that these appointments or removals required a 2/3 vote of the governing board. (The Joint Committee's proposed charter did not mention either a fire marshal or an EMS director.)

Law enforcement. The Charter Commission's proposed charter retained the sheriff with the full legal powers of the office. The police department, however, was given authority for patrol and criminal investigation throughout the consolidated government, with the sheriff having only an undefined power of "administrative review" over the police department. (In addition, the sheriff was to be part of a three-person committee, along with the manager and the mayor, that nominated the police chief to the board of representatives, which had the power of appointment.) This proposal was opposed by the sitting sheriff and, indeed, by the North Carolina Sheriff's Association.

The Joint Committee sought to moderate the dispute, by providing in its proposed charter that the sheriff was to “coordinate” with the police chief; however, it retained the provision that gave the police department county-wide authority for patrol and criminal investigation.

Referendum: Both proposed charters would have authorized the board of commissioners to refer ordinances to the voters; the consequence was that such an ordinance would become effective only if approved by the voters. The Wilmington charter had an initiative procedure, under which citizens could propose ordinances by petition and force a referendum, but there was nothing comparable to this referendum procedure. The proposed charter did not include an initiative procedure.

Proposed charter provisions. The Charter Commission’s proposed charter included a number of uncommon provisions – beyond those detailed above – that were not included in the Joint Committee’s charter. Here is a list:

- Candidates for mayor and for the governing board were required to have been residents of the county for at least two years. Such a provision adds to the constitutional qualifications for holding elective office and therefore would have been unconstitutional.
- If the mayor or a governing board member missed five consecutive board meetings without being excused, he or she could have been removed.
- The proposed charter set the initial salaries of the mayor and governing board, permitted them to be raised only once every four years, and limited the amount of any increase to the increase in the consumer price index.
- If the mayor or a board member missed a meeting without being excused, he or she was to forfeit one percent of his or her annual salary.
- The planning commission, rather than the governing board, was to be in charge of redrawing electoral districts after each federal census. (This provision became unnecessary once district representation was deleted from the charter.)
- The proposed charter included detailed agenda and meeting time rules.