

**PROPOSED CHARTER FOR
THE CONSOLIDATED GOVERNMENT
OF CHARLOTTE AND
MECKLENBURG COUNTY**

Charlotte-Mecklenburg Charter Commission / 1971

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PREFACE

The Charlotte-Mecklenburg Charter Commission was created by the 1969 General Assembly of North Carolina. It was charged with the responsibility of studying the local governments of Mecklenburg County and of drafting a charter for a single local government for all of Mecklenburg County. The legislation creating the Charter Commission (Chapter 67, Session Laws of 1969) directed that the plan provide for the consolidation of the governments of the City of Charlotte and Mecklenburg County subject to approval of the voters in a county-wide referendum and the adoption by the North Carolina General Assembly of the charter and other necessary legislation.

If the plan of consolidation for Charlotte and Mecklenburg County is approved, the voters of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville will hold special elections thereafter to decide whether each of those towns continues as a separate municipality or merges with The Consolidated Government of Charlotte and Mecklenburg County.

The referendum on the consolidation of Charlotte and Mecklenburg County will be held on March 22, 1971. Referenda in the five towns will be held within 120 days following the county-wide referendum if the proposed consolidation is approved in the county-wide vote.

This document contains the proposed charter of The Consolidated Government of Charlotte and Mecklenburg County. It also contains, as an appendix, drafts of companion legislation necessary to implement the establishment of the consolidated government.

The Report of the Charter Commission is being issued as a separate document entitled *Responsible Responsive Government*. That document reviews in some detail the reasons the Commission recommends this particular plan of government, explains the proposed plan of consolidated government, reports

on how the Commission undertook its work, cites the studies and reports issued by the Commission and its staff, and contains information about the existing governments and their operation.

Charter Commission members were appointed in April of 1969, and began work with an extensive program of study. The Institute of Government of the University of North Carolina at Chapel Hill was retained by the Charter Commission to serve as research staff. In addition, a small full-time staff was employed by the Commission to direct and coordinate activities in Charlotte.

Warren J. Wicker, assistant director of the Institute of Government, served as staff director for the Charter Commission and coordinator of the research activities of the Institute of Government staff. David M. Lawrence and H. Rutherford Turnbull, III, assistant directors of the Institute of Government, were chiefly responsible for drafting the charter and companion legislation. L. M. Wright, Jr., served as associate director of the Commission in charge of the work of the Commission staff in Charlotte.

Names of the members of the Charter Commission and of the Citizens Review Committee who worked with the Charter Commission in developing the plan of government and reviewed the plan upon its completion are listed on the inside back cover.

Requests for additional information or copies of the Commission's publications should be directed to the offices of the Charter Commission at 400 East Second Street, Charlotte, N. C., 28201. Information and copies of some reports also may be secured from the Institute of Government, The University of North Carolina at Chapel Hill, Chapel Hill, N. C., 27514.

Charlotte, North Carolina
January 26, 1971

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Throughout the text of the Charter numbered articles and sections are marked "Reserved." These numbers are left unused to permit convenient and orderly numbering of articles and sections in future years when amendments or additions are made by the General Assembly of North Carolina or by the citizens of The Consolidated Government of Charlotte and Mecklenburg County.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Establishment

Sec. 1-1. *Consolidated government established.*

(a) The powers, duties, rights, privileges and immunities of the City of Charlotte are consolidated with those of the County of Mecklenburg. These consolidated powers, duties, rights, privileges and immunities shall be exercised and enjoyed by a government for Mecklenburg County known as The Consolidated Government of Charlotte and Mecklenburg County (herein called the consolidated government. If in special elections held in the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville, the citizens of any town elect not to continue their town as a separate municipality, the powers, duties, rights, privileges and immunities of the town whose citizens so elect also shall be consolidated with those of Mecklenburg County and exercised and enjoyed by the consolidated government. The consolidated government is the legal successor to the separate governments of the City of Charlotte and the County of Mecklenburg and any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville the citizens of which elect not to continue their town as a separate municipality. Mecklenburg County continues as a political subdivision of the State of North Carolina, and the consolidated government shall perform all the duties and serve all the purposes required of counties under the Constitution and laws of the State of North Carolina.

(b) The City of Charlotte and any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville whose citizens elect not to continue their town as a separate municipality are abolished as independent municipal corporations.

Sec. 1-2. *Boundaries.* The consolidated government has jurisdiction and extends territorially throughout Mecklenburg County.

Sec. 1-3 through 1-5. Reserved.

Article 2. Powers

Sec. 1-6. *Corporate powers.* The inhabitants of Mecklenburg County are constituted a body politic and corporate under the name of The Consoli-

dated Government of Charlotte and Mecklenburg County and under that name have perpetual succession; shall have a common seal and may alter and renew it at will; may sue and be sued; may contract; may acquire and hold all property and rights of property, real and personal, that may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it; and may hold, invest, sell or dispose of its property and rights of property.

Sec. 1-7. *Grant of county and municipal powers.*

(a) Except as otherwise provided in this charter, the consolidated government and its officers and employees may exercise and enjoy (1) all the powers, duties, rights, privileges and immunities that counties at or after the effective date of this charter may exercise and enjoy under the Constitution and general laws of the State of North Carolina; and (2) all the powers, duties, rights, privileges and immunities that incorporated municipalities at or after the effective date of this charter may exercise and enjoy under the Constitution and general laws of the State of North Carolina.

Except as otherwise provided in this charter, the consolidated government may exercise throughout its jurisdiction any power, duty, right, privilege or immunity granted by this section.

In exercising and enjoying any power, duty, right, privilege or immunity, the consolidated government shall follow the procedures, if any, set out in this charter. If the charter contains a procedure that does not purport to include all acts necessary to exercise the power, duty, right, privilege or immunity, the consolidated government shall supplement the charter procedure by applicable procedures set out in other statutes. If no procedure is set out in the charter, the consolidated government shall follow the procedure set out in any general or applicable local law granting the power, duty, right, privilege or immunity; and if two or more statutes, other than this charter, grant the same power, duty, right, privilege or immunity, but with differing procedures, the

consolidated government may proceed under either statute.

The procedure set out in any statute, when employed by the consolidated government, is deemed amended to conform to the structure and administrative organization of the consolidated government. If a statute refers to the governing body of a county or municipality, the reference, except as otherwise provided in this charter, means the Council; and a reference to a specific official means the official of the consolidated government who most nearly performs the same duties performed by the specified official. If there is doubt as to the appropriate official, the Council may by resolution designate an appropriate official to act as fully as if his office were specified in the statute.

(b) Except as provided in this subsection, the consolidated government may exercise within any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville that elect to continue as separate municipalities only those powers, duties, rights, privileges and immunities that Mecklenburg County could exercise county-wide before the effective date of this charter, or that North Carolina counties are, subsequent to the effective date of this charter, authorized by general law to exercise county-wide. The governing board of any town that elects to continue as a separate municipality, however, may agree to the exercise of any other power, duty, right, privilege or immunity of the consolidated government within the town.

Notwithstanding the above paragraph, the consolidated government may within any town that elects to continue as a separate municipality exercise the powers, duties, rights, privileges and immunities granted to it by the following sections of this charter: 7-36 (Authorization and procedures [for historic preservation]); 7-63 (Authorization [for prohibitions on discrimination]); 7-81 (Authorization [for public transportation system]); 7-85 (Authorization [for social service programs]); 8-72 (Privilege license taxation); 8-73 (Motor vehicle license tax); 8-75 (CATV franchise tax); and 11-21 (Participation in state and federal programs). In addition the consolidated government may acquire, construct, reconstruct, improve, enlarge, better, extend, operate and maintain within any town that elects to continue as a separate municipality any public improvement financed in whole or in part by general obligation or revenue bonds issued by the

consolidated government, and may enact ordinances, resolutions and regulations in connection with the improvement.

Sec. 1-8 through 1-10. Reserved.

Article 3. Service Districts

Sec. 1-11. *Districts.* The Mecklenburg service district extends throughout Mecklenburg County. The Council may define urban service districts under procedures of general law. It is the intent of this charter that the Council will define as urban service districts the total area immediately before the effective date of this charter of the City of Charlotte and the total area immediately before the effective date of this charter of any of the towns of Cornelius, Davidson, Huntersville, Matthews or Pineville whose citizens elect not to continue their town as a separate municipality.

Sec. 1-12. *Allocation of costs.* All services, facilities and functions provided or maintained by the consolidated government shall be provided or maintained throughout the Mecklenburg service district, except for:

(1) Any service, facility or function provided or maintained only for one or more urban service districts, and

(2) Any service, facility or function provided or maintained to a greater extent for one or more urban service districts than for the entire county.

If any service, facility or function is provided or maintained only for one or more urban service districts, the costs of providing or maintaining the service, facility or function for each urban service district shall be allocated to that district. If a service, facility or function is provided or maintained for an urban service district to a greater extent than for the Mecklenburg service district, the costs of providing or maintaining it at a higher level for the district shall be allocated to that district.

The costs of providing or maintaining for an urban service district a service, facility or function in addition to, or to a greater extent than, those provided throughout the Mecklenburg service district include operating, maintenance and repair expenses, capital improvement costs, and the appropriate share of debt service on bonds or notes issued to finance capital improvements associated with the service, facility or function.

The Council shall determine an equitable basis for allocating the costs of administrative services

of the consolidated government among services, facilities and functions.

The Charlotte urban service district fire depart-

ment shall provide fire protection at consolidated government airports, whether they are located inside or outside the service district.

CHAPTER 2. THE COUNCIL

Article 1. Composition

Sec. 2-1. *Number of members; how elected.*

The governing board of the Consolidated Government of Charlotte and Mecklenburg County is the Council. It has eighteen members. There are twelve electoral districts, and the qualified voters of each district shall elect one member of the Council. The qualified voters of the entire consolidated government shall elect the remaining six members.

Sec. 2-2. *Districts established; redistricting.*

The boundaries and the numbers of the twelve electoral districts are set out in chapter 14 of this charter.

The Council shall, if necessary, adopt a plan of redistricting after each decennial federal census, and may do so more frequently. Following each decennial federal census, the Planning Commission shall determine the population of each existing electoral district and whether redistricting is necessary because the population among districts is substantially unequal. If there is a difference of at least ten per cent between the populations of the most populated and of the least populated districts, the population among districts shall be deemed to be substantially unequal. The Commission, moreover, may determine that a difference of less than ten per cent causes the population among districts to be substantially unequal. If redistricting is necessary, the Commission shall on or before the March 15 following the census submit a plan of redistricting to the Council. The Council may accept, reject or modify the plan or request the Commission to modify the plan. The Council shall adopt a plan of redistricting by July 1 following the submission of the Commission's plan; if it does not, the plan originally submitted by the Commission shall be deemed adopted. The districts established by the plan shall be the basis for electing district mem-

bers of the Council at the first regular consolidated government election following adoption of the plan. The plan shall take effect on the Monday following the January 1 following that election.

If the Council adopts a plan of redistricting at any other time, it shall adopt it on or before the July 1 preceding the first regular consolidated government election to which it is to apply. The districts established by the plan shall be the basis for electing district members of the Council at that election, and the plan shall take effect on the Monday following the January 1 following that election.

In any plan adopted, all electoral districts shall be as nearly equal in population as possible and arranged in a logical and compact geographic pattern.

If a plan causes a vacancy in any district seat on the Council, the vacancy shall be filled at the first regular consolidated government election to which the plan is to apply. The person elected to fill the vacancy shall take office on the Monday following the January 1 following his election and shall serve for the remainder of the unexpired term.

Sec. 2-3. *Terms of office.* Except for the initial members of the Council, who shall serve for the terms provided in section 13-7 of this charter, members of the Council are elected to four-year terms, assuming office on the Monday following the January 1 following their election. Three at-large members and six district members of the Council are elected every two years.

Sec. 2-4. *Qualifications.* To be eligible for election to and membership on the Council, a person must be a qualified voter of the consolidated government. A person seeking election from a district must reside in and be a registered voter of that district at the time he files his notice of candidacy. A member elected or appointed from

a district must during his term of office reside in and be a registered voter of the district he represents.

Sec. 2-5. *Compensation.* Members of the Council shall initially be compensated at a rate of \$3,600 annually. Thereafter the Council may by ordinance fix its own compensation and allowances, to become effective on the January 1 following the next regular consolidated government election. The Council may not enact an ordinance pursuant to this section during the five months immediately preceding a regular consolidated government election.

Sec. 2-6. *Vacancies.* A vacancy in the membership of the Council exists when a duly elected person refuses to qualify or when a member who has been elected and has qualified either dies or resigns, and may be declared by the Council by a vote of two-thirds of its membership when a member who has been elected and has qualified either becomes incapacitated, is convicted of a felony or no longer meets the qualifications set by section 2-4 of this charter. The Mayor shall appoint a qualified person to fill any vacancy. If the person who vacated the seat was elected as the nominee of a political party, the county executive committee of that party shall nominate a person to fill the seat and the Mayor shall appoint that person. The person appointed to fill a vacancy shall qualify by taking and subscribing the oath required by Article VI, section 7 of the Constitution of North Carolina and shall serve until the Monday following the January 1 following the next regular consolidated government election. At that election, a person shall be elected to the seat vacated, either to the remainder of the unexpired term, or if the term has expired, to a four-year term. The person elected shall take office on the Monday following the January 1 following that election.

Sec. 2-7 through 2-10. Reserved.

Article 2. Organization

Sec. 2-11. *Organization meeting.* The Council shall meet on the Monday following the January 1 following each regular consolidated government election. At that meeting, the Mayor, if newly elected, and each member whose term of office begins that day shall take and subscribe the oath required by Article VI, section 7 of the Constitution of North Carolina. A member absent from the organizational meeting may take and

subscribe his oath at a later time. At least a quorum of the Council shall be present. The Council shall elect from among its at-large members a Mayor Pro Tempore, to serve at its pleasure.

Sec. 2-12. *Meetings.* The Council shall fix the time, date and place of its regular meetings and shall hold at least two regular meetings each month.

The Mayor, or in his absence the Mayor Pro Tempore, or a majority of the Council may call a special meeting of the Council. The person or persons calling the meeting shall cause, at least twenty-four hours before the time of the meeting, a written notice of the meeting to be delivered to each member or to be left at his usual residence or place of business. He or they shall also cause public notice of the meeting to be made at least twenty-four hours in advance of the meeting. The notice shall state the time and place of the meeting and the business to be transacted and shall be signed by the person or persons calling the meeting. Only the business stated in the notice may be transacted at the meeting.

The Mayor, or in his absence the Mayor Pro Tempore, or a majority of the Council may call a meeting to deal with an emergency. The notice provisions of this section do not apply to those meetings.

Sec. 2-13. *Rules of the Council.* Consistent with this charter, the Council may adopt its own rules of procedure.

Sec. 2-14. *Quorum; voting.* A majority of the membership of the Council constitutes a quorum. The vote of each member on each ordinance, resolution, motion or other action shall be recorded. Voting by proxy is not allowed.

The Council may excuse a member from voting only upon matters involving his official conduct or his personal or financial interest. When a matter involves a member's personal or financial interest, he shall state the nature and extent of his interest as a condition of being excused from voting.

In all other cases, a member who is present and fails to vote or, who having been present has withdrawn from the meeting without being excused by the Council, shall be recorded as having voted affirmatively. A member who has withdrawn from a meeting, whether excused or not, shall be counted as present for determining a quorum.

Except when a greater number is required by

law, a majority of all votes cast is necessary to adopt any order, motion, resolution or ordinance.

Sec. 2-15 through 2-18. Reserved.

Article 3. Powers

Sec. 2-19. *Legislative power.* All legislative powers of the consolidated government are vested in the Council.

Sec. 2-20. *Power of investigation.* The Council may investigate the affairs of the consolidated government, and for that purpose subpoena witnesses, administer oaths and compel the production of evidence. Its orders are enforceable pursuant to section 11-37 of this charter.

Sec. 2-21. *Continuation of public hearings.* The Council may continue any public hearing without further advertisement. If a public hearing is set for a given date and a quorum is not then present, the hearing shall be continued until the next regular meeting of the Council without further advertisement.

Sec. 2-22. *Ordinance procedure.* (a) An ordinance may be introduced by any member of the Council at any meeting. The clerk shall prepare

and have available copies of the proposed ordinance before the first vote to be held on the ordinance. No ordinance may be adopted without receiving two favorable votes of the Council. At least six days must fall between the introduction of the ordinance and the first vote, and between the first and second votes. If the ordinance is amended as to any matter of substance between the first and final vote on it, the procedure herein must be extended so that all matters of substance in the ordinance have received two favorable votes in the required manner. This subsection does not apply to any ordinance adopted under a procedure otherwise set out in this charter or in the statute authorizing the ordinance.

(b) Any order, motion, resolution or ordinance adopted shall be entered in full in the minutes of the Council.

Sec. 2-23 through 2-27. Reserved.

Article 4. Consolidated Government Clerk

Sec. 2-28. *Consolidated government clerk.* The Council shall appoint the consolidated government clerk and define the duties of the office.

CHAPTER 3. MAYOR

Article 1. Qualifications and Election

Sec. 3-1. *Qualifications and term of office.* To be eligible for election to and service as Mayor, a person must be a qualified voter of the consolidated government. The qualified voters of the entire consolidated government shall elect the Mayor to a four-year term of office and he shall assume office on the first Monday following the January 1 following his election.

Sec. 3-2. *Compensation.* The initial annual compensation of the mayor is \$36,000. Thereafter the Council may by ordinance fix his compensation and allowances, to become effective on the January 1 following the next regular consolidated government election. The Council may not enact an ordinance pursuant to this section during the five months immediately preceding a regular consolidated government election.

Sec. 3-3. *Vacancy.* A vacancy in the office of Mayor exists when a duly elected person refuses to qualify or when a person who has been elected and has qualified either dies or resigns, and may be declared by the Council by a vote of two-thirds of its membership when a person who has been elected and has qualified either becomes incapacitated, is convicted of a felony or no longer meets the qualifications set by section 3-1 of this charter. The Council shall appoint a qualified person to serve as acting mayor. Upon taking and subscribing the oath required by Article VI, section 7 of the Constitution of North Carolina, an acting mayor shall have all the powers, duties, rights, privileges and immunities of the office of Mayor.

The acting mayor shall serve until the Monday following the January 1 following the next regular consolidated government election, at which

the voters of the consolidated government shall have elected a Mayor, either to the remainder of the unexpired term or, if the term has expired, to a four-year term.

Sec. 3-4. *Absence; temporary incapacity.* The Mayor may designate the Mayor Pro Tempore to serve as acting mayor, with all the powers, duties, rights, privileges and immunities of the office, while the Mayor is absent from the county. If the Council, by a vote of two-thirds of its membership, determines that the Mayor is temporarily incapacitated, it shall appoint a qualified person to serve as acting mayor for the duration of the incapacity. Upon taking and subscribing the oath required by Article VI, section 7 of the Constitution of North Carolina, an acting mayor shall have the powers, duties, rights, privileges and immunities of the office of Mayor. A majority of the membership of the Council may determine that the Mayor's incapacity has terminated.

Sec. 3-5. *Salary of an acting mayor.* A person serving for ten or more consecutive days as acting mayor of the consolidated government, by reason of either a vacancy in the office of Mayor or the temporary incapacity of the Mayor, is entitled to a per diem salary equivalent to that of the Mayor, paid from the first day of consecutive service as acting mayor and for as long as he continues to serve. In the event of temporary incapacity of the Mayor, the Mayor also is entitled to his salary.

If, in the absence of the Mayor from the county, the Mayor Pro Tempore serves as acting mayor for ten or more consecutive days, the Council may entitle him to a per diem salary equivalent to that of the Mayor, paid from the first day of consecutive service as acting mayor and for as long as he continues to serve. The Mayor also is entitled to his salary.

Sec. 3-6 through 3-8. Reserved.

Article 2. Powers and Duties

Sec. 3-9. *General powers and duties.* The Mayor is the chief executive officer of the consolidated government. Consistent with the provisions of this charter, he has all the powers, duties, rights, privileges and immunities granted to and imposed on chairmen of boards of county commissioners and mayors of municipalities by the general laws of North Carolina. In addition:

- (a) He shall preside at meetings of the Council, but shall vote only in case of a tie;
- (b) He may appoint special police for any special occasion, call upon the local military, under an

order of the Governor of North Carolina, for the suppression of a riot or public disturbance and appoint special firemen in the event of an emergency;

(c) He or his designee shall sign all written contracts or obligations of the consolidated government and any of its agencies, boards, commissions and authorities that are subject to the fiscal control provisions of this charter. No contract of the consolidated government required to be in writing is binding on the government until so signed;

(d) He may require the chairman or the chief administrative officer of any department, agency, board, commission or authority of the consolidated government to submit to him written or oral reports and information relating to their official duties and responsibilities. With the consent of the Council, he also may employ qualified persons to examine the affairs of any department, agency, board, commission or authority of the consolidated government. In investigating any department, agency, board, commission or authority or any charges against any officer or employee thereof, the Mayor may subpoena witnesses, administer oaths and compel the production of evidence. His orders are enforceable pursuant to section 11-37 of this charter;

(e) He shall each December deliver to the Council and to the citizens of the consolidated government a report upon the condition of the consolidated government;

(f) He is an ex officio member of all agencies, boards, commissions and authorities appointed by the Council, the Mayor or both, serving in an advisory capacity without the right to vote. He may designate a person to serve in his stead;

(g) He shall cause the laws of the State and the ordinances, resolutions, orders and regulations of the consolidated government to be faithfully executed within the consolidated government's jurisdiction.

Sec. 3-10. *Mayor's conference.* The Mayor may require the chairman or the chief administrative officer of any agency, board, commission or authority of the consolidated government to meet with him concerning the affairs of the consolidated government.

Sec. 3-11. *Mayor's veto power.* The Mayor may veto any ordinance or resolution adopted by the Council except ordinances and resolutions relating to:

- (a) Definition, expansion, consolidation and abolition of urban service districts;

(b) Appointments made exclusively by the Council to agencies, boards, commissions and authorities;

(c) Employees of the Council and officers of the consolidated government appointed exclusively by the Council;

(d) Internal affairs of the Council, which includes the compensation and allowances of Council members;

(e) Investigations by the Council or its duly appointed committees; and

(f) Any matter that must be approved by the voters of the consolidated government at a referendum.

In the case of a proposed bond issue not required by law to be submitted to the voters of the consolidated government, the Mayor may veto the order of the Council directing that an application be filed with the Local Government Commission for the Commission's approval of the bond issue. He may not veto any subsequent action of the Council relating to that bond issue.

Except for appropriations required by law, the

Mayor also may veto the sum of money appropriated by any one or more items, or parts of items, in an ordinance appropriating money for the use of the consolidated government or any agency, board, commission or authority thereof.

The Council shall cause to be transmitted to the Mayor for his consideration any adopted ordinance or resolution that he may veto. If he approves the ordinance or resolution, he shall sign it and it shall take effect according to its terms. If he disapproves, he shall return it or in the case of an ordinance appropriating money, any item or parts of an item that he has disapproved) to the Council without his signature, together with the reasons for his disapproval and his recommendations. Any ordinance or resolution that he disapproves takes effect according to its terms if, within thirty days after it is returned, it is readopted by two-thirds of the membership of the Council. An ordinance or resolution automatically takes effect according to its terms if the Mayor has neither signed it nor disapproved and returned it to the Council within fifteen days after it is adopted.

CHAPTER 4. GENERAL ADMINISTRATION

Article 1. Administrative Organization

Sec. 4-1. *Initial administrative organization.* The initial administrative organization of the consolidated government is that of the merging governments on the effective date of this charter and shall continue until changed by law or in accordance with the provisions of this charter.

Sec. 4-2 through 4-6. Reserved.

Article 2. Mayor's Powers

Sec. 4-7. *Mayor's appointments.* Subject to the approval of the Council, the Mayor shall appoint the following officers and department heads: chief administrative officer, chief legal officer, finance director, coordinator of intergovernmental programs and director of community relations. The Mayor may remove any of the above officers and department heads.

Sec. 4-8. *Administrative reorganization.* Except as restricted by this charter or the general

law of the state, the Mayor, with the Council's approval, may reorganize the administrative structure of the consolidated government, creating, consolidating, reorganizing and abolishing offices, positions, departments, agencies, boards, commissions and authorities of the consolidated government. In a plan of reorganization, the Mayor may impose additional powers and duties on any office, position, department, agency, board, commission or authority. Except by amendment of this charter, however, no office, position, department, agency, board, commission or authority expressly established or continued by this charter may be abolished, nor may any power, duty, right, privilege or immunity expressly conferred by this charter be removed or abolished. To effect a reorganization, the Mayor shall submit a proposed plan to the Council, which may approve or disapprove it. If the Council disapproves a proposed plan, it shall not become effective; the Mayor may modify a disapproved plan and submit it to

the Council. If the Council neither approves nor disapproves within ninety days after receiving the plan, the plan shall be deemed approved and implemented according to its terms.

Sec. 4-9 through 4-12. Reserved.

Article 3. Chief Administrative Officer

Sec. 4-13. *Chief administrative officer.* The chief administrative officer shall be qualified by training and experience to perform the duties of the position in a professional manner and need not be a resident of the consolidated government at the time of appointment.

Sec. 4-14. *Powers and duties.* The chief administrative officer:

(a) Shall, subject to the general direction of the Mayor, administer all activities and functions of the consolidated government and, except as administration over activities and functions is by law vested in them, of its agencies, boards, commissions and authorities that do not appoint their own executive directors. The Register of Deeds and the Sheriff shall continue to administer their departments;

(b) Shall appoint, with the Mayor's approval, and may remove each department head whose appointment is not otherwise provided for by this charter or the general law of the state;

(c) Shall appoint and may remove, in accordance with personnel policies adopted by the Council, each employee of the consolidated government and its agencies, boards, commissions and authorities whose appointment or removal is not otherwise provided for by this charter or the general law of the state;

(d) Shall make periodic reports and recommendations to the Mayor concerning the affairs of the consolidated government;

(e) May call together for conferences the heads of all departments for which the Mayor is responsible and the administrative heads of all agencies, boards, commissions and authorities of the consolidated government to consider, plan, direct and coordinate the affairs of the consolidated government; and

(f) Shall perform any other duties or responsibilities prescribed by the Mayor or Council.

Sec. 4-15 through 4-18. Reserved.

Article 4. Departments

Sec. 4-19. *Police chief.* The Council shall appoint, with the approval of the Mayor, the chief

of the police department. Either the Council or the Mayor with the other's approval may remove the chief from office for any reason.

The Civil Service Commission shall grant any officer of the department appointed as chief a leave of absence from his civil service rank for the duration of his service as chief. Upon termination of his service as chief, he is entitled to revert to that rank. If the chief is removed for cause and chooses to revert to his civil service rank, the Civil Service Commission may investigate into and hold a hearing on the circumstances that were the cause of his removal. The officer shall be given an opportunity to be heard in his own defense. The Commission may determine that the circumstances do not warrant any disciplinary action by it, may discharge the officer from the service or may place him on probation for a period not to exceed one year.

The chief shall direct the assignment of officers and employees of the department.

Sec. 4-20. *Fire chief.* The Council shall appoint, with the approval of the Mayor, the chief of the Charlotte urban service district fire department. Either the Council or the Mayor with the other's approval may remove the chief from office for any reason.

The Civil Service Commission shall grant any officer of the department appointed as chief a leave of absence from his civil service rank for the duration of his service as chief. Upon termination of his service as chief, he is entitled to revert to that rank. If the chief is removed for cause and chooses to revert to his civil service rank, the Civil Service Commission may investigate into and hold a hearing on the circumstances that were the cause of his removal. The officer shall be given an opportunity to be heard in his own defense. The Commission may determine that the circumstances do not warrant any disciplinary action by it, may discharge the officer from the service or may place him on probation for a period not to exceed one year.

The chief shall direct the assignment of officers and employees of the department.

Sec. 4-21. *Legal department.* The chief legal officer shall provide legal services for the consolidated government and each of its boards, commissions and authorities except the Charlotte-Mecklenburg Redevelopment Commission, the Charlotte-Mecklenburg Hospital Authority and the Charlotte-Mecklenburg Board of Education. The

Council, however, may exempt any other board, commission or authority from this section. The chief legal officer may appoint necessary assist-

ants and also may appoint special counsel to provide legal services of a special or extraordinary nature.

CHAPTER 5. PERSONNEL AND CIVIL SERVICE

Article 1. Personnel

Sec. 5-1. *Personnel system.* The Council shall establish by ordinance a system of personnel administration. The system shall cover all employees of the consolidated government and its agencies, boards, commissions and authorities except (a) elected officials, (b) employees subject to state or federal civil service regulations and procedures, (c) employees of the Charlotte-Mecklenburg Board of Education, the Charlotte-Mecklenburg Hospital Authority and the Auditorium-Coliseum Authority. Employees of the Register of Deeds and Sheriff shall be appointed and discharged pursuant to the provisions of G.S. 153-48.3, but shall in all other matters be subject to the personnel ordinances of the consolidated government. Officers and employees of the police department and the Charlotte urban service district fire department shall be covered by the system except as provided in article 3 of this chapter. The Council may by ordinance extend the system to cover, in whole or in part, employees of the Hospital Authority or the Auditorium-Coliseum Authority.

The system of personnel administration shall provide for the classification of positions, the manner and method of publicizing vacancies, employing and appointing personnel, the qualifications of employees, salaries, hours of employment, vacations, sick leave, special workmen's compensation leave, job security, promotion, demotion, disciplinary procedures, transfer, layoff, removal, welfare of employees, retirement policy, payment of premiums for employee insurance benefits, grievance procedures, service awards, training leave, and any other measures that promote the hiring and retaining of capable, diligent, honest career employees.

Sec. 5-2. *Discrimination prohibited.* It is the policy of the consolidated government and its agencies, boards, commissions and authorities that

appointment, promotion, demotion, transfer, lay-off, disciplinary action, removal, rates of compensation, employee benefits and all other personnel matters shall be determined solely on the basis of merit and qualification, without respect to color, national origin, political affiliation, race, religion, sex or any circumstances other than merit and qualification.

Sec. 5-3. *Political activity.* No employee subject to the consolidated government personnel system (1) may engage in any political activity while on duty, (2) shall be required as a duty of his office or employment, or as a condition for employment, promotion or tenure of office, to contribute funds or services for political or partisan purposes, (3) may solicit, or act as custodian of, funds for political or partisan purposes, (4) may coerce or compel contributions of funds or services for political or partisan purposes from any other employee of the consolidated government, or (5) may use any supplies or equipment of the consolidated government for political purposes. A violation of this section is improper conduct and shall subject the employee to dismissal or other disciplinary action by the appointing authority.

Sec. 5-4 through 5-8. Reserved.

Article 2. Personnel Appeals Board

Sec. 5-9. *Personnel Appeals Board established.* The Council shall appoint a Personnel Appeals Board consisting of three members, serving three-year staggered terms. A member may not serve for more than two consecutive full terms. Terms begin on March 1. To be eligible for appointment to and membership on the Personnel Appeals Board, a person must be a qualified voter of the consolidated government but may not be an officer or employee of the consolidated government or any of its agencies, boards, commissions or authorities. Not all members may be of the same

political party. Each member shall reside in a different electoral district. The Council shall set the compensation and allowances, if any, to be paid to members of the Board. The Council shall fill vacancies in the membership of the Board for the unexpired term. The Council may remove members by a two-thirds vote for cause only.

In making its initial appointments, the Council shall designate one member to serve until March 1, 1974, one to serve until March 1, 1975 and one to serve until March 1, 1976.

At the initial meeting and in March of each subsequent year, the Board shall elect a chairman and may elect other officers. A majority of the members of the Board constitute a quorum. The Board may determine its own rules of procedure. The personnel department of the consolidated government shall provide staff assistance to the Board.

Sec. 5-10. *Jurisdiction.* The Board has jurisdiction over all employees of the consolidated government and its agencies, boards, commissions and authorities covered by section 5-1 of this charter, except heads of departments, persons employed in the offices of the Mayor and chief administrative officer and persons appointed by the Council.

Sec. 5-11. *Powers and duties.* The Personnel Appeals Board:

(a) Shall advise the Council, the Mayor and the chief administrative officer on all matters relating to personnel administration; and

(b) Shall hear appeals from any administrative action resulting in suspension without pay for more than thirty days, demotion or dismissal of any employee and determine whether the action was proper and justified. The Board shall enter an order affirming, modifying or reversing the action. Its determination and its order shall be final and the order shall be implemented according to its terms.

Sec. 5-12 through 5-16. Reserved.

Article 3. Civil Service

Sec. 5-17. *Civil Service Commission established.* There is a Civil Service Commission, consisting of seven members appointed by the Council to four-year staggered terms. A member may not serve for more than two consecutive full terms. Terms shall begin on March 1. To be eligible for appointment to and membership on the Commission, a person must be a qualified voter of the consolidated government. Not all members may be

of the same race or sex or political party. Each member of the Commission shall reside in a different electoral district. The Council shall set the compensation and allowances, if any, to be paid the members of the Commission. The Council shall fill vacancies in the membership of the Commission for the unexpired terms.

The initial members of the Commission are the three members of the Charlotte Civil Service Board and the three members of the Mecklenburg County Civil Service Board serving at the effective date of this charter. Within ninety days after the effective date of the charter, the Council shall appoint a seventh member of the Commission. At the initial meeting of the full Commission, all members shall draw lots to determine the lengths of the initial terms. Four shall serve until March 1, 1974, and three until March 1, 1976. Thereafter, all terms shall be for four years.

The Council may remove a member by a two-thirds vote for cause only.

At its initial meeting and in March of each subsequent year, the Commission shall elect a chairman and may elect other officers. A majority of the members of the Commission constitutes a quorum. The Commission may determine its own rules of procedure.

Sec. 5-18. *Jurisdiction.* Except as provided in section 5-22 of this charter, the Commission has jurisdiction over all the officers and employees of the police department of the consolidated government and the Charlotte urban service district fire department.

Sec. 5-19. *Powers and duties.* The Commission: (a) Shall establish reasonable requirements for employment and for examination of applicants. By or at the direction of the Commission, all applicants shall be examined. Examinations shall be competitive, open, and free to all persons meeting the Commission's requirements. The Commission shall establish rules and regulations for administration of examinations. Examinations shall be practical in character, shall be limited to matters that fairly test the relative ability of the applicant to discharge the duties of the position and shall include tests of mental and physical qualifications and health. No applicant may be examined concerning his political or religious opinions or affiliations.

(b) Shall publicize the time and place of every examination and the kind of positions to be filled.

(c) Shall prepare and keep a register of persons passing the examinations ranked according to

their performance on the examinations. The chiefs shall make appointments and promotions from the register and under the eligibility rules and regulations established by the Commission.

(d) Shall make an annual report to the Council. The Council may prescribe the form and content of the report.

(e) May secure necessary staff services and request assistance in the performance of its duties from any officer, employee or department of the consolidated government.

(f) Is entitled to suitable rooms for its use. With the consent of the Council, the Commission may use the facilities of the consolidated government or any of its agencies, boards, commissions or authorities for holding examinations.

(g) May on its own initiative conduct independent investigations into the fitness of any officer or employee.

Sec. 5-20. *Political activity.* No officer or employee of the police department of the consolidated government or the Charlotte urban service district fire department may take part in any election or political function except by exercising his right to vote. The Commission shall dismiss any officer or employee who it determines after investigation and hearing has violated this section.

Sec. 5-21. *Disciplinary actions.* Except as provided in section 5-22 of this charter, the Commission may not dismiss a person except for cause, upon written complaint signed by the chief of the department in which he is employed and until he has been given an opportunity to be heard by the Commission in his own defense.

The chief of either department may suspend, with or without pay, and cite to the Commission for hearing any officer or employee charged with violating any rule or regulation of the department. The Commission shall hold a hearing not more than fifteen days nor earlier than ten days after the day of suspension unless an earlier date is requested in writing by the officer or employee and the earlier date is approved by the chairman of the Commission. If the officer or employee is suspended without pay and found not guilty or the charges against him are dismissed, he shall be fully reinstated and reimbursed for any loss of time or pay.

If the Commission determines that the officer or employee has violated a rule or regulation of his department, the Commission may discharge him, suspend him without pay for a period not to

exceed ninety days, or place him on probation for a period not to exceed one year upon reasonable conditions fixed by the Commission. In the conduct of its investigations, the Commission may subpoena witnesses, administer oaths and compel the production of evidence. Its orders are enforceable pursuant to section 11-37 of this charter.

The chief of either department may suspend without pay for a period of time not to exceed thirty days any officer or employee for violating any rule or regulation of the department. Any officer or employee may appeal his suspension to the Commission within five days after the suspension by giving written notice of appeal to the Commission with a copy to the chief. If the officer or employee is suspended without pay and on appeal found not guilty or the charges against him are dismissed, he shall be fully reinstated and reimbursed for any loss of time or pay.

Any officer or employee found guilty by the Commission may appeal to a court of competent jurisdiction. The trial upon appeal shall be governed by the provisions of Article 33, Chapter 143 of the General Statutes of North Carolina pertaining to Judicial Review of Decisions of Certain Administrative Agencies.

Sec. 5-22. *Exceptions and limitations.* (a) Except as provided in sections 4-19 and 4-20 of this charter, the provisions of this article do not apply to the chief of either department. The provisions of section 5-21 do not apply to a member of either department who has not been a member for at least twelve months. A person newly appointed to either department serves a twelve-month probationary period during which he is subject to discharge by the chief under rules adopted by the department with the Commission's approval.

(b) A chief shall make all appointments and promotions of members of his department from lists of eligibles certified by the Commission. A promotion may be made for a probationary period under rules adopted by the department with the Commission's approval.

(c) During any war-time emergency and for six months thereafter, each department may employ persons on a temporary basis. The chief may discharge temporarily employed members without preferring charges, under rules adopted by the department with the Commission's approval.

(d) The Council may authorize a chief to appoint without previous examination by the Com-

mission auxiliary members of his department. When called to duty by the chief, an auxiliary member shall have all the powers and duties of a

regular member of the department. The chief may discharge an auxiliary member with or without cause and without a hearing by the Commission.

CHAPTER 6. BOARDS, COMMISSIONS AND AUTHORITIES

Article 1. Charlotte-Mecklenburg Board of Education

Sec. 6-1. *Number of members; how elected.* The Charlotte-Mecklenburg Board of Education is continued as a body corporate and continues to have nine members. There are six school electoral districts, and the qualified voters of each district shall elect one member of the Board. The qualified voters of the entire consolidated government shall elect the remaining three members. Elections for membership on the Board are nonpartisan and shall be conducted according to the procedures set out in chapter 9 of this charter. Except as provided in section 6-4, terms are four years.

Sec. 6-2. *Districts established; redistricting.* The boundaries and the numbers of the six districts are set out in chapter 14 of this charter. The school electoral districts shall be redrawn at the same time and according to the same procedures as the Council electoral districts.

Sec. 6-3. *Qualifications.* To be eligible for election to and membership on the Board of Education, a person must be a qualified voter of the consolidated government. A person seeking election from a district must reside in and be a registered voter of that district at the time he files his notice of candidacy. A member elected or appointed from a district must reside in and be a registered voter of the district he represents.

Sec. 6-4. *Transitional elections.* The nine members of the Charlotte-Mecklenburg Board of Education elected to six-year terms beginning in 1966, 1968 and 1970 and ending in 1972, 1974 and 1976 shall serve until the expiration of their terms. Their successors shall be elected at the time of the primaries for nomination of State officers in 1972, 1974 and 1976 and shall take office on the first Monday in the December following their election. In each of these three elections, however,

two members shall be elected from districts and one member from the county at large, as follows:
1972: Two district members___four-year terms
(Districts A and B)

One at-large member___four-year term
1974: Two district members___four-year terms
(Districts C and D)

One at-large member___four-year term
1976: One district member___two-year term
(District E)

One district member___four-year term
(District F)
One at-large member___two-year term

At the expiration of the terms set out above and thereafter, all terms shall be for four years.

Sec. 6-5. *Vacancies.* A vacancy in the membership of the Board exists when a duly elected person refuses to qualify or when a member who has been elected and has qualified either dies or resigns, and may be declared by the Board by a vote of two-thirds of its membership when a member who has been elected and has qualified either becomes incapacitated, is convicted of a felony or no longer meets the qualifications set by section 6-3 of this charter. Vacancies are filled in the following manner:

(a) For members elected from districts, if a vacancy occurs or is declared more than 120 days before the next regular election for the seat vacated, the vacancy shall be filled at a special election called by the Council, to be held within 90 days after the day the vacancy occurs or is declared. The Council shall set the filing period, which must be at least thirty days in length. If a regular election for the seat vacated will take place within 120 days after the day the vacancy is declared, the vacancy shall be filled at that election.

(b) For members elected at large, the vacancy shall be filled at the first county-wide election

held more than 60 days after the day the vacancy occurs or is declared. The Council shall set the filing period, which must be at least thirty days in length.

The person elected to fill the vacancy shall qualify by taking and subscribing the oath required by Article VI, section 7 of the Constitution of North Carolina and shall serve the remainder of the unexpired term.

Sec. 6-6. *Taking office.* A person elected to membership on the Board of Education takes office on the first Monday in December in the year of his election and shall take and subscribe the oath required by Article VI, section 7 of the Constitution of North Carolina.

Sec. 6-7. *Organization meeting.* In January of each year, the Board of Education shall hold an organizational meeting, at which it shall elect a chairman and may elect other officers.

Sec. 6-8. *Board subject to general law.* Except as provided in this charter or any local act applying to Charlotte or Mecklenburg County, the Charlotte-Mecklenburg Board of Education shall operate under the provisions of the general laws of the state.

Sec. 6-9 through 6-19. Reserved.

Article 2. Mecklenburg County Board of Alcoholic Beverage Control

Sec. 6-20. *Board subject to general law.* Except as provided in this charter or any local act applying to Mecklenburg County, the Mecklenburg County Board of Alcoholic Beverage Control shall operate under the provisions of the general laws of the state.

Sec. 6-21. *Election of the Board.* Before each joint meeting held pursuant to G.S. 18-41 to select a member of the Mecklenburg County Board of Alcoholic Beverage Control, the Council, the Mecklenburg County Board of Health and the Charlotte-Mecklenburg Board of Education shall each designate five of their members (and any number of alternates) to serve on the composite board. Each of the fifteen persons so selected has one vote in matters before the composite board. If any of the fifteen is absent from the joint meeting, an alternate may serve in his place; otherwise no other member of the three boards is entitled to vote at the joint meeting.

Sec. 6-22. *No ABC store in Davidson.* The Mecklenburg County Board of Alcoholic Beverage

Control shall not locate a liquor store within the corporate limits of the Town of Davidson.

Sec. 6-23 through 6-27. Reserved.

Articles 3 and 4. Reserved

Sec. 6-28 through 6-40. Reserved.

Article 5. Appointed Boards, Commissions and Authorities

PART 1. GENERAL PROVISIONS

Sec. 6-41. *Applicability of part.* Except as expressly provided in this article, each board, commission and authority established or continued by this article is subject to the provisions of this part.

Sec. 6-42. *Fair representation.* In appointing persons to boards, commissions and authorities, the Council shall secure reasonable representation on each board, commission and authority of all sexes, races, income groups, geographic sections of the county and political parties. This section also applies to appointments to all boards, commissions and authorities established under provisions of general law or by ordinance or resolution of the Council.

Sec. 6-43. *Membership.* To be eligible for appointment to and membership on a board, commission or authority, a person must be a qualified voter of the consolidated government. Terms begin on March 1. The Council shall appoint the members, except ex officio members, of boards, commissions and authorities and shall fill vacancies in boards, commissions and authorities for the unexpired term.

Sec. 6-44. *Compensation.* The Council shall set the compensation and allowances, if any, to be paid members of boards, commissions and authorities.

Sec. 6-45. *Officers and procedures.* (a) Officers.—At its initial meeting and in March of each subsequent year, each board, commission and authority shall elect a chairman and may elect other officers.

(b) Meeting procedures.—A majority of the members of any board, commission or authority constitute a quorum. Each board, commission and authority may determine its own rules of procedure.

Sec. 6-46. *Management of funds.* Each board, commission and authority is subject to the budgeting and fiscal control provisions of this charter.

Sec. 6-47. *Personnel policies.* The executive director (by whatever title) of each board, com-

mission or authority, in accordance with the personnel policies of the consolidated government, shall appoint personnel to carry out the programs and policies of the board, commission or authority.

Sec. 6-48 through 6-51. Reserved.

PART 2. CHARLOTTE-MECKLENBURG PLANNING COMMISSION

Sec. 6-52. *Commission established; membership.* The Charlotte-Mecklenburg Planning Commission has fifteen members appointed by the Council to four-year staggered terms. The ten members of the Charlotte-Mecklenburg Planning Commission serving at the effective date of this charter continue as members of the Commission. Within 90 days after the effective date of the charter, the Council shall appoint five additional members. At the initial meeting of the full Commission, all members shall draw lots to determine the lengths of their initial terms. Three shall serve until March 1, 1974, four until March 1, 1975, four until March 1, 1976, and four until March 1, 1977. Thereafter all terms are four years.

Sec. 6-53. *Appointment of planning director.* The Charlotte-Mecklenburg Planning Commission shall appoint the planning director.

Sec. 6-54. *Powers and duties.* Except as modified by this charter, the Charlotte-Mecklenburg Planning Commission has all the powers and duties granted to planning commissions by general law or by any local act applying to Mecklenburg County.

Sec. 6-55 through 6-58. Reserved.

PART 3. CHARLOTTE-MECKLENBURG BOXING AND WRESTLING COMMISSION

Sec. 6-59. *Commission established; membership.* The Charlotte-Mecklenburg Boxing and Wrestling Commission has five members appointed by the Council to three-year staggered terms. The Council shall designate one of the members to serve as chairman of the Commission. The three members of the Charlotte Boxing and Wrestling Commission serving at the effective date of this charter continue as members of the Charlotte-Mecklenburg Boxing and Wrestling Commission. Within 90 days after the effective date of the charter, the Council shall appoint two additional members. At the initial meeting of the full Commission, all members shall draw lots to

determine the lengths of their initial terms. One shall serve until March 1, 1974, two until March 1, 1975, and two until March 1, 1976. Thereafter all terms are three years.

Sec. 6-60. *Boxing and wrestling matches permitted.* It is lawful to engage in, manage or promote boxing matches not in excess of fifteen rounds and wrestling matches in the area of the former City of Charlotte or in any urban service district replacing the City of Charlotte. No match may be held, however, without the written consent of the Boxing and Wrestling Commission.

Sec. 6-61. *Powers and duties of the Commission.* The Boxing and Wrestling Commission may:

(a) Establish regulations governing all boxing and wrestling matches staged pursuant to this part and recommend to the Council which of the regulations ought to be enacted as ordinances of the consolidated government; and

(b) Fix and collect a uniform license fee for each boxing or wrestling match staged in accordance with this part. The fee may not exceed five per cent of the gross proceeds from ticket sales for each match. The net proceeds from license fees shall be used for park and recreation purposes.

Sec. 6-62. *Penalties for violations.* Any person engaging in, promoting or aiding or abetting any boxing or wrestling match without the written consent of the Boxing and Wrestling Commission is guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned not less than ten days nor more than one month, in the discretion of the court.

Sec. 6-63. *Transfer of regulatory powers.* The Council may abolish the Boxing and Wrestling Commission and transfer its powers to itself or to an official or a department, agency, board, commission or authority of the consolidated government.

Sec. 6-64 through 6-65. Reserved.

PART 4. PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY

Sec. 6-66. *Library continued; Board established.* The Public Library of Charlotte and Mecklenburg County, a corporation heretofore created and existing, is continued as a body corporate by the same name and by that name may adopt a common seal, sue and be sued, contract for the purposes of this part, and acquire and hold any property and rights of property, real and per-

sonal, that may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it.

The Public Library is governed by a Board of Trustees of seven members. One is the Mayor or his designee and one the superintendent of schools for Mecklenburg County or his designee. There also are five public trustees appointed and removable by the Council.

The four public trustees of the Library Board serving at the effective date of this charter continue as members of the Board. Their terms, however, are extended to the March 1 next occurring after the otherwise applicable expiration date to those terms. Within 90 days after the effective date of the charter, the Council shall appoint one additional public trustee, whose term shall expire on March 1, 1976. Thereafter all terms are four years. No public trustee may serve for more than two consecutive four-year terms on the Board.

Sec. 6-67. *Powers and duties.* The Board of Trustees shall provide free library service, as defined in the General Statutes of North Carolina and as outlined in standards approved by the North Carolina State Library, in Mecklenburg County. For that purpose it shall administer and control the Public Library of Charlotte and Mecklenburg County, including all branches operated inside or outside Mecklenburg County. Specifically, the Board:

- (a) May formulate programs, policies and regulations for the government of the Public Library;
- (b) Shall appoint the Director of Libraries;
- (c) Shall prepare, in accordance with the budgeting procedures of this charter, an annual budget for operation of the Public Library;
- (d) Shall initially establish its own accounting and fiscal control procedures, but the Council may place the Public Library under some or all of the fiscal control procedures of this charter;
- (e) Subject to the consent of the Council, may sell, encumber, convey, or otherwise dispose of real property belonging to the Public Library;
- (f) May acquire, by purchase, exchange, bequest or otherwise, library materials for the Public Library, including but not limited to books, plates, pictures, engravings, maps, magazines, pamphlets, newspapers, manuscripts, films, recordings, or other specimens, works of literature, or objects of art, historical significance or curiosity. The Board has exclusive responsibility for

these acquisitions, and need not comply with the purchasing procedures of this charter or of Article 8 of Chapter 143 of the General Statutes of North Carolina;

(g) May publish and distribute a history of Charlotte and Mecklenburg County; and

(h) May extend the privileges and use of the Public Library to nonresidents of Mecklenburg County, and establish branches in counties and municipalities outside of Mecklenburg County, upon any terms and conditions the Board may prescribe.

In addition to the powers and duties specified in this section, the Board may exercise any power or duty not inconsistent with those specified that is conferred on public library trustees by the general laws of the state.

Sec. 6-68. *Prohibition on censorship of library materials.* It is the responsibility of the Public Library to provide the people of Mecklenburg County with library materials representing the widest diversity of opinions and attitudes. It is recognized that in performing this responsibility the Public Library will on occasion acquire materials that may be objectionable to a part of the community. Nevertheless, neither the Board of Trustees nor personnel of the Public Library shall be compelled either directly or indirectly to ban or censor any library material.

Sec. 6-69 through 6-73. Reserved.

PART 5. CHARLOTTE-MECKLENBURG PARK AND RECREATION COMMISSION

Sec. 6-74. *Commission continued; membership.* The Charlotte Park and Recreation Commission, a corporation heretofore created and existing, is continued under the name of the Charlotte-Mecklenburg Park and Recreation Commission and by that name may adopt a common seal, sue and be sued, and contract for the purposes of this part. The Charlotte-Mecklenburg Park and Recreation Commission is the legal successor to the Charlotte Park and Recreation Commission.

The Commission has twelve members appointed by the Council to four-year staggered terms. The Commission members shall by 1975 and at all times thereafter include persons residing in each of the six school electoral districts.

The seven members of the Charlotte Park and Recreation Commission serving at the effective date of this charter and the seven members of the Mecklenburg Recreation Commission serving at the effective date of this charter are the initial

Charlotte-Mecklenburg Park and Recreation Commission. The Charlotte commissioners shall serve until the March 1 next preceding the expiration date of the terms to which they were appointed, and the Mecklenburg commissioners shall serve until the March 1 next occurring after the otherwise applicable expiration date of the terms to which they were appointed. Of the three initial members whose terms expire in 1974, the Council shall replace only two, and of the four initial members whose terms expire in 1975, the Council shall replace only three. Upon the expiration of the terms of the initial members, all appointments shall be to four-year terms.

Sec. 6-75. *Powers and duties.* The Commission shall supervise, control and operate the park and recreation system of the consolidated government. Specifically, the Commission:

(a) May formulate programs and policies and adopt regulations and schedules of fees and charges for use of the park and recreation system;

(b) May acquire, subject to the consent of the Council, by whatever means, and use, lay out, improve and maintain parks, playgrounds and other recreational facilities within or without the jurisdiction of the consolidated government. As one method of acquisition the Commission may purchase real property upon deferred payments and execute a note or notes to evidence the deferred payments. The note or notes shall be secured by mortgages or deeds of trust on the property purchased, but that property shall be the sole security for payment of the note or notes. The note or notes shall not be a pledge of the faith and credit of the Commission or of the consolidated government;

(c) May provide equipment for recreation, play and entertainment;

(d) May sponsor and promote shows, events, games and activities involving the use of the property and facilities of the park and recreation system and make and collect reasonable charges therefor;

(e) Shall appoint the director of parks and recreation; and

(f) Shall prepare, in accordance with the budgeting procedures of this charter, an annual budget for operation of the park and recreation system.

Sec. 6-76. *Sale and disposal of property.* The Commission may sell its personal property at private sale. Real property subject to the super-

vision and control of the Commission may be sold or otherwise disposed of upon a finding by the Commission that it is no longer needed or suitable for purposes of the Commission or that the sale would be in the public interest, and according to the following procedures:

(a) For property held by the Commission in its own name, the Commission with the written consent of the Council may sell the property or exchange it for property of substantially similar value.

(b) For property held by the consolidated government, the consolidated government with the written consent of the Commission may sell the property or exchange it for property of substantially similar value.

(c) For property held jointly by the consolidated government and the Commission, the consolidated government and the Commission by joint action may sell the property or exchange it for property of substantially similar value.

The consolidated government shall use proceeds of any sale of real property subject to the general supervision and control of the Commission for park and recreation purposes. Real property may be sold pursuant to this section by any method available to the consolidated government for sale of real property.

Sec. 6-77. *Cooperation with the Board of Education and other agencies.* (a) The Commission and the Charlotte-Mecklenburg Board of Education may cooperate and undertake joint projects for park and recreation purposes involving the use of property and facilities belonging to the consolidated government, the Commission or the Board. Cooperation may include expenditure of funds, furnishing of facilities including the use of land and water, and sharing in the expenses connected with joint projects. In connection with joint projects, the Board may:

(1) Allow the use of its facilities for park and recreation purposes without requiring any bond to indemnify it against damages thereto;

(2) Lease its land or facilities to the Commission for periods of time determined by the Board and reimburse the Commission for improvements placed upon the land upon termination of the lease even though termination occurs more than one year after the date of the lease;

(3) Share with the Commission the

expenses of repairs, completed projects, buildings or structures on property owned by the Board and accomplished within the limits of G.S. 143-135 by employees of the Commission; and

(4) Make contracts with the Commission providing for the payment of money or the fulfillment of obligations not authorized in the budget of the Board regardless of the provisions of G.S. 115-48 or G.S. 115-52.

(b) The Commission and any other agency, board, commission or authority of the consolidated government also may cooperate and undertake joint projects for recreational use of properties under the ownership or control of the other. An agency, board, commission or authority cooperating with the Park and Recreation Commission may take any action that the Charlotte-Mecklenburg Board of Education may take pursuant to this section.

Sec. 6-78 through 6-81. Reserved.

PART 6. AUDITORIUM-COLISEUM AUTHORITY

Sec. 6-82. *Authority established; membership.* The control and administration of the Ovens Auditorium, the Charlotte Coliseum and any other facility designated by the Council shall be vested in the Auditorium-Coliseum Authority.

The Authority has seven members appointed by the Council to four-year staggered terms. The five members of the Auditorium-Coliseum Authority serving at the effective date of this charter continue as members of the Authority. They shall serve until the March 1 next preceding the expiration date of the terms to which they were appointed. Within 90 days after the effective date of the charter, the Council shall appoint two additional members, one to serve until March 1, 1975, and one until March 1, 1976. Thereafter all terms are four years.

Sec. 6-83. *Management of funds.* The Authority initially shall establish its own budgeting and fiscal control procedures, but the Council may place the Authority under some or all of the budgeting and fiscal control procedures of this charter. Except as the Council approves their use for other purposes of the Authority, the net proceeds from the operation of the auditorium and coliseum shall be used to pay the interest and retirement on the bonded debt of the consolidated government incurred for those facilities, and shall

not be used for any other purpose until the bonds' principal and interest have been paid.

Sec. 6-84. *Powers and duties.* The Authority:

(a) May make reasonable regulations and set rents and fees for the operation and maintenance of the properties and facilities;

(b) May sponsor and promote shows, events, games and activities involving the use of the properties and facilities and make and collect reasonable charges therefor;

(c) Shall appoint the executive director of the Authority and set his salary. The executive director shall appoint personnel to carry out the programs and policies of the Authority. The Authority initially shall establish its own personnel policies, but the Council may place the Authority under some or all of the personnel policies of the consolidated government;

(d) May expend funds for advertising and promoting the use of the properties and facilities; and

(e) May make contracts to exercise its powers and execute its duties.

Sec. 6-85 through 6-88. Reserved.

PART 7. CHARLOTTE-MECKLENBURG HOUSING AUTHORITY

Sec. 6-89. *Authority continued; operated under general law.* The Charlotte Housing Authority, a corporation heretofore created and existing, is continued as a body corporate by this charter under the name of the Charlotte-Mecklenburg Housing Authority. The Charlotte-Mecklenburg Housing Authority is the legal successor to the Charlotte Housing Authority. Except as provided in this charter or in any local act applying to Mecklenburg County, the Authority shall operate under the provisions of the general laws of the state.

Sec. 6-90. *Authority membership.* The Authority has fifteen commissioners appointed by the Council to four-year staggered terms. One-third of the commissioners shall be public housing tenants. The five members of the Charlotte Housing Authority serving at the effective date of this charter continue as commissioners of the Charlotte-Mecklenburg Housing Authority. Within 90 days after the effective date of the charter, the Council shall appoint ten additional members. At the initial meeting of the full Authority, all members shall draw lots to determine the lengths of their initial terms. Four shall serve until March 1, 1974, four until March 1, 1975, four until

March 1, 1976, and three until March 1, 1977. Thereafter all terms are four years.

Sec. 6-91. *Powers and duties.* The Authority shall prepare, in accordance with the budgeting procedures of this charter, an annual budget for the operation of the Housing Authority.

Sec. 6-92 through 6-95. Reserved.

PART 8. CHARLOTTE-MECKLENBURG REDEVELOPMENT COMMISSION

Sec. 6-96. *Commission continued; operated under general law.* The Charlotte Redevelopment Commission, a corporation heretofore created and existing, is continued as a body corporate by this charter under the name of the Charlotte-Mecklenburg Redevelopment Commission. The Charlotte-Mecklenburg Redevelopment Commission is the legal successor of the Charlotte Redevelopment Commission. Except as provided in this charter or in any local act applying to Charlotte or Mecklenburg County, the Commission shall operate under the provisions of the general laws of the state.

Sec. 6-97. *Commission membership.* The Commission has five members appointed by the Council to four-year staggered terms. No member of the Commission may serve more than two consecutive four-year terms. The members of the Charlotte Redevelopment Commission serving at the effective date of this charter are the initial Charlotte-Mecklenburg Redevelopment Commission. They shall serve until the March 1 next occurring after the otherwise applicable expiration date of the terms to which they were appointed. Thereafter all terms are four years.

Sec. 6-98. *Preparation of budget.* The Commission shall prepare, in accordance with the budgeting procedures of this charter, an annual budget for operation of the Commission.

Sec. 6-99. *Sale of properties.* The Commission may sell its real property in the manner provided by general law for either redevelopment commissions or boards of county commissioners, or by any local act applying to Charlotte or Mecklenburg County. Before making any sale, however, the Commission must obtain the consent of the Council.

CHAPTER 7. PLANNING, REGULATORY AND OTHER POWERS

SUBCHAPTER A. PLANNING POWERS

Article 1. Comprehensive Plan

Sec. 7-1. *Plan developed and adopted.* It is the responsibility of the planning department and the Charlotte-Mecklenburg Planning Commission to develop a comprehensive plan for Mecklenburg County and the consolidated government. The Commission shall hold one or more public hearings on the plan.

The comprehensive plan shall include, but shall not be limited to, the approximate location, general character and extent of land use, streets, public utility systems, parks, playgrounds, open spaces, schools, urban renewal project areas, public transit, airports, public housing, hospitals, health centers, libraries, fire stations, community centers and all other government buildings and facilities. The comprehensive plan shall include any recommended policies, programs, ordinances,

regulations, development standards and other devices appropriate to achieving the proper physical, social and economic development of the county.

Following preparation of the plan, the Planning Commission shall present it to the Council. The Council shall review the plan and hold one or more public hearings on it. After discussions with the Planning Commission and the planning department, the Council may make modifications in the plan. The Council shall then adopt the plan. At least every two years thereafter the Planning Commission shall resubmit the plan to the Council with any suggested modifications. The Council shall review the plan at a public hearing and take any necessary action.

Sec. 7-2 and 7-3. Reserved.

Article 2. Mandatory Referrals

Sec. 7-4. *Requirements and procedures.* No street, no park or other open space, no public

building or structure and no publicly owned public utility may be authorized or constructed by the consolidated government or any department, agency, board, commission or authority of the consolidated government until the location and extent thereof have been submitted to and approved by the planning director as being in general conformity with the comprehensive plan. If the planning director disapproves, he shall submit his reasons to the Council, which may overrule his disapproval by a vote of a majority of its membership.

The consolidated government shall not widen, narrow, relocate or vacate any street, nor shall it or any of its agencies, boards, commissions or authorities change the use of, accept, acquire, sell or lease any real property or structure until the proposed action has been approved by the planning director as being in general conformity with the comprehensive plan. If he disapproves, the planning director shall submit his reasons to the Council, which may overrule his disapproval by a vote of a majority of its membership.

If the planning director does not approve or disapprove within 30 days from the date of submittal of any project or action, he shall be deemed to have approved the submitted project or action. A longer period of study, however, may be granted by the department, agency, board, commission or authority making the submission.

Sec. 7-5 and 7-6. Reserved.

Article 3. Zoning Regulations

Sec. 7-7. *Zoning power.* For the purpose of promoting health, safety, morals and the general welfare, the zoning power of the Council includes the power to regulate and restrict

- (a) the height, number of stories and size of buildings and other structures,
- (b) the percentage of lot that may be occupied,
- (c) the size of yards, courts, and other open spaces,
- (d) the density of population, and
- (e) the location and use of buildings, structures and land for trade, industry, residence or other purposes, except farming.

No zoning regulations may affect bona fide farms, but any use of farm property for non-farm purposes is subject to zoning regulations. The Council may define "bona fide farm" and "farm purposes." No zoning ordinance may regulate ter-

ritory within the zoning jurisdiction of any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville that continue as separate municipalities unless the governing board of the town by resolution agrees.

Sec. 7-8. *Amendments to zoning ordinances.* The Charlotte-Mecklenburg Planning Commission shall hold any public hearing required by law before the Council can amend the zoning ordinance. The Commission may hold the hearing itself, may designate a panel of its members to hold the hearing or may designate a hearing examiner to hold the hearing. The Commission shall forward the full hearing record, which shall include its recommendations and the reasons therefor to the Council for action. Any person may also forward to the Council his views upon the proposed amendment.

The Council may decide whether to amend the ordinance on the basis of the record presented to it, or may, by a vote of a majority of its membership, first hold a public hearing itself on the proposed amendment. A majority of the membership of the Council is required to overrule a recommendation of the Planning Commission, but in no other instance is a special majority of the Council necessary in order to amend the zoning ordinance.

If the Council shall have provided by ordinance for the classification of zoning districts from highest to lowest classification, it may change the existing zoning classification of the area covered by a petition for rezoning, or any part or parts thereof, to the classification requested or to a higher classification or classifications, without need of withdrawal or modification of the petition. In order to exercise this power, the Council shall cause the notice of the hearing on the amendment to include a statement that this action might be taken.

Any amendment to the zoning ordinance of the consolidated government shall be in conformity with the comprehensive plan.

Sec. 7-9. *Board of Adjustment.* The Council shall either appoint a Board of Adjustment or charge the Planning Commission with the duties of a board of adjustment. A Board of Adjustment shall have no fewer than five and no more than fifteen members, appointed to three-year terms. The Council may provide for staggered terms of Board of Adjustment members.

The Board of Adjustment, or the Planning Commission if authorized to act as a board of ad-

justment, may hear any case itself, designate a panel of at least five of its members to hear the case, or designate a hearing examiner to hear the case. A majority of the members of the Board, Commission or panel constitutes a quorum. The concurring vote of four-fifths of the members present for the hearing of any case is necessary to (a) reverse any order, requirement, decision or determination of any administrative official charged with enforcement of the zoning ordinance, (b) decide in favor of the applicant any matter upon which it is required to pass under the zoning ordinance, or (c) effect any variation in the zoning ordinance.

If the Council charges the Planning Commission with the duties of a board of adjustment, any duties imposed by this charter or by any general law or local act applicable to Mecklenburg County upon a board of adjustment are deemed to be imposed upon the Planning Commission.

Sec. 7-10 through 7-14. Reserved.

Article 4. Subdivision Regulation

Sec. 7-15. *Subdivision ordinance.* The Council may by ordinance adopt regulations governing the subdivision of land. The consolidated government's subdivision regulation jurisdiction is all of Mecklenburg County except land lying within the subdivision regulation jurisdiction of any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville that continue as separate municipalities, unless the governing board of the town by resolution transfers its subdivision regulation jurisdiction to the consolidated government.

The ordinance shall require that before any plat of a subdivision of land lying within the subdivision regulation jurisdiction can be filed or recorded, it shall be submitted to and approved by the Charlotte-Mecklenburg Planning Commission acting pursuant to regulations adopted by the Council under authority of this article. The Commission's secretary shall note approval in writing on the plat.

The ordinance may provide for the orderly development of Mecklenburg County; for the coordination of streets within subdivisions with existing or planned streets or with other public facilities; for the dedication or reservation of rights of way or easements for street and utility purposes, and of sites for recreation and schools; and for the distribution of population and traffic to avoid congestion and overcrowding and to cre-

ate conditions essential to health, safety, convenience and the general welfare.

The ordinance may include requirements that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, easement boundary line and other property boundary. These data shall include the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

The ordinance may include as a condition precedent to the approval of the plat requirements as to the following improvements: street grading, street paving, curbs, gutters, sidewalks, and water, sewer, surface water drainage and other utility mains. The Council shall provide for the tentative approval of the plat before these improvements are made, but this tentative approval shall not be entered on the plat. The ordinance may provide that in lieu of the completion of the improvements before the final approval of a plat the Council may accept a bond, in an amount and with surety and conditions satisfactory to it, or a letter of credit in an amount satisfactory to it, providing for and securing to the consolidated government the making of the improvements within a period specified by the Council and expressed in the bond or the letter of credit. The consolidated government may enforce these bonds or letters of credit by any appropriate legal or equitable remedies. The ordinance may also provide that in lieu of the completion of the improvements before the final approval of a plat an assessment may be made under applicable laws governing assessments for local improvements and the consolidated government may do the work, make installations, and charge the cost to the owners of the property within the subdivision.

The ordinance shall provide that the Planning Commission approve or disapprove the final plat not later than 60 days after its submission. Otherwise the plat shall be deemed to have been approved, and the Planning Commission shall issue a certificate to that effect on demand. However, the applicant for the Commission's approval may waive this requirement and consent to the extension of the 60-day period. The grounds for disapproval of any plat shall be entered in the Commission's minutes. The ordinance shall provide that an appeal may be taken to the Council from the Planning Commission's action, and the Council may approve or disapprove in whole or in

part or otherwise modify the action of the Commission.

Sec. 7-16. *Public hearing on ordinance.* Before adopting a subdivision control ordinance or any amendment thereof, the Council shall hold a public hearing. Notice of the public hearing shall be given once a week for two successive weeks in a newspaper published in Mecklenburg County and shall be published the first time not less than fifteen days before the date of the hearing.

Sec. 7-17. *Effect of plat approval on status of dedications.* The approval of a plat by the Planning Commission does not constitute the acceptance by the consolidated government or the public of the dedication of any street or other ground, public utility line or other public facility shown upon the plat.

Sec. 7-18. *Recording of plats.* If the Council adopts an ordinance regulating the subdivision of land, the consolidated government clerk shall file a copy of the ordinance with the Mecklenburg County Register of Deeds. Thereafter:

(a) The Register of Deeds shall not file or record nor shall the Clerk of Superior Court of Mecklenburg County order or direct the filing or recording of a plat of a subdivision of land lying within the subdivision regulation jurisdiction unless the plat has been approved by the Planning Commission;

(b) The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown therein is within the subdivision regulation jurisdiction;

(c) The filing or recording of a plat of a subdivision without the Planning Commission's approval shall be void.

Sec. 7-19. *Penalties for transferring lots in unapproved subdivisions.* If the Council adopts a subdivision regulation ordinance, any owner or agent of the owner of any land located within the subdivision regulation jurisdiction who thereafter transfers or sells this land by reference to a plat showing a subdivision of the land before the plat has been approved by the Planning Commission and recorded in the office of the Mecklenburg County Register of Deeds is guilty of a misdemeanor. The consolidated government may seek to enjoin the transfer or sale.

Sec. 7-20. *Acceptance of an improvement in unapproved streets.* After the Council adopts a subdivision control ordinance, the consolidated

government may not accept for maintenance, lay out, open, improve, grade, pave or light any street or authorize the laying of water mains, sewers, connections or other facilities or utilities in any street within the subdivision regulation jurisdiction,

(a) unless the street previously was accepted as, opened as, or otherwise received the legal status of a public street,

(b) unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the Planning Commission, or

(c) unless the street is accepted as a public street by vote of a majority of the membership of the Council.

Sec. 7-21. *Subdivision definition.* A "subdivision" includes all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and includes all divisions of land involving the dedication of a new street or a change in existing streets. The following, however, are not included within this definition and are not subject to the regulations authorized by this article:

(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the consolidated government,

(b) The division of land into parcels greater than five acres where no street right-of-way dedication is involved, and

(c) The public acquisition by purchase of strips of land for the widening or opening of streets.

Sec. 7-22 through 7-26. Reserved.

Article 5. Building Setback Lines

Sec. 7-27. *Power to classify and establish.* The Council may (a) classify all or a portion of the streets in Mecklenburg County according to their size, present and anticipated traffic loads and other characteristics relevant to the achievement of the purposes of this article, and (b) establish by ordinance minimum distances that buildings constructed along each class or type of street shall be set back from the right-of-way line or the center line of the street. The Council may classify portions of any street in a manner different from other portions of the same street where the characteristics of the portions differ.

Sec. 7-28. *Purposes.* Any setback line shall be designed (a) to promote the public safety by providing adequate sight distances for motorists using the street, lessening congestion in the street, facilitating the safe movement of traffic on the street and providing adequate fire lanes between buildings, and (b) to protect the public health by keeping dwellings and other structures an adequate distance from the dust, noise and fumes created by traffic on the street and by insuring an adequate supply of light and air.

Sec. 7-29. *Modification by Board of Adjustment.* Any setback line ordinance shall empower the Board of Adjustment, upon an appeal filed with it by the property owner, to vary or modify setback requirements as they apply to a particular piece of property. The Board may vary or modify the requirements upon a showing that (a) the peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirement, (b) the property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted, and (c) balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity. In granting relief, the Board may impose reasonable and appropriate conditions and safeguards to protect the public interest and neighboring properties.

Sec. 7-30. *Enforcement.* Any setback line ordinance may provide for enforcement through the issuance of building permits and may be coordinated with the enforcement of the building code, the zoning ordinance or both. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of the ordinance, the consolidated government, in addition to other remedies or penalties, may bring any appropriate action or proceeding (a) to prevent, restrain, correct or abate the violation, or (b) to prevent or abate the occupancy of the building or structure.

Sec. 7-31 and 7-32. Reserved.

Article 6.

Regulation of Buildings in Flood Plains

Sec. 7-33. *Authorization.* The consolidated government may regulate and prohibit the construction upon property subject to periodic surface flooding of any buildings or structures de-

signed, intended or capable of being used for human habitation.

Sec. 7-34 and 7-35. Reserved.

Article 7. Historic Preservation

Sec. 7-36. *Authorization and procedures.* The consolidated government may:

(a) Survey, identify, designate, and, with consent of the State Department of Archives and History, certify and register all buildings, structures and objects of architectural, historical, archeological or archival importance;

(b) Enter into agreements with owner of buildings and sites listed in the consolidated government's registry to attach a permanent setback line to the building or to erect a permanent marker on the site, indicating that the building or site is listed in the registry. In addition an agreement may be imposed on the realty a covenant running with the land providing that the building or site not be altered, moved or destroyed until a certain number of months after written notice of intent to do so has been received by the consolidated government. The agreement shall be filed with the Mecklenburg County Register of Deeds. The consolidated government may seek injunction to prevent violations of any covenant;

(c) Acquire by gift, devise, bequest, purchase or eminent domain real and personal property in Mecklenburg County that have architectural, historical, archeological or archival significance. The consolidated government shall preserve and administer these properties and use them in a manner that will not substantially impair their architectural, historical, archeological or archival significance;

(d) Enact an ordinance to require delay of alteration, moving or destruction of any building or site listed in the consolidated government registry so that the government has an opportunity to seek alternative uses or buyers for the building or site. No ordinance may require delay for longer than six months after notice of intent to alter, move or destroy is received by the consolidated government;

(e) Establish a commission to exercise the powers set out in subdivisions (a) and (b) above and to administer any properties acquired under subdivision (c), to administer any ordinance enacted under subdivision (d) and to perform any other duties imposed by the Council.

Sec. 7-37 through 7-39. Reserved.

Article 8. Architectural and Design Review Board

Sec. 7-40. *Authorization and procedures.* The Council may establish an Architectural and Design Review Board to review and comment upon the design and appearance of all facilities planned for construction by the consolidated government and any of its departments, agencies, boards, commissions or authorities. In reviewing plans and specifications of buildings, the Review Board shall examine the proposed architectural style and general design, the exterior surface treatment (including the kind and texture of building material and colors), the arrangement and location of buildings and structures on the site in question and their relationships to other buildings and structures, proposed landscaping, and the type and style of all windows, doors, light fixtures, signs and other appurtenant features. The Council may assign other duties to the Review Board. If it establishes a Review Board, the Council shall specify the procedure to be followed by departments, agencies, boards, commissions and authorities in submitting plans and specifications to the Board, the procedures to be followed by the Board in submitting its comments and what action shall be taken upon receipt of the comments.

Sec. 7-41 through 7-43. Reserved.

Articles 9 and 10. Reserved

Sec. 7-44 through 7-53. Reserved.

SUBCHAPTER B. REGULATORY AND OTHER POWERS

Article 11. Regulation of Business Activities

Sec. 7-54. *Regulating and licensing businesses, occupations, etc.* The consolidated government may, subject to general law and in the interest of the public health, welfare, safety, order and convenience, regulate and license occupations, businesses, trades, professions and forms of amusement or entertainment and prohibit those that may be inimical to the public health, welfare, safety, order or convenience. In licensing trades, occupations and professions, the consolidated government may, consistent with general law, require applicants for licenses to be examined and charge a reasonable fee therefor.

Sec. 7-55. *Regulating and franchising utilities.* The consolidated government may regulate and supervise the operation of and grant or refuse franchises or privileges to all public and quasi-

public utilities, except those owned and operated by municipal governments, operating or doing business within Mecklenburg County; however, the Council may not, pursuant to this section adopt any regulations in contravention of the general laws of North Carolina, as they are now or may hereafter be enacted, applicable to these utilities. The purpose of regulation shall be to assure that all citizens receive equitable treatment and good service and are charged just and reasonable rates by the utilities. Except within any of the towns that continue as separate municipalities, the consolidated government also may regulate the erection and location of all poles and require that all wires, pipes and conduits be placed underground.

Sec. 7-56. *Regulating solicitations.* The consolidated government may regulate by ordinance public solicitations within Mecklenburg County for any charitable, benevolent, health, educational, religious, patriotic or other similar cause. No ordinance, however, may apply to any solicitation confined to its membership made by a church or religious organization, school or college, fraternal or patriotic organization, civic club or other organization. Any ordinance adopted may:

- (1) provide for its administration by a board or commission;
- (2) provide for regulation of the time, place and manner of solicitation;
- (3) require registration and permits and impose fees to defray the reasonable costs of administration;
- (4) require publication of any information tending to insure that solicitations shall be free of deceit or fraud; and
- (5) include any other requirements that reasonably protect the public from fraudulent solicitations.

This section is intended to supplement the authority of the State Board of Social Services, granted by Article 3, Part 1, Chapter 108 of the General Statutes of North Carolina, to license public solicitations. Grant of a license by the State Board, however, does not exempt the licensee from compliance with any ordinance adopted pursuant to this section.

Sec. 7-57. *Regulating emergency vehicles.* The consolidated government may establish regulations governing the drivers and operators of wrecker services and of other vehicles, aircraft and vessels used in connection with accidents, emergencies and disasters; establish rates which

may be charged by those operators; grant franchises to those operators on appropriate terms and conditions; and contract with those operators for related services.

Sec. 7-58 through 7-62. Reserved.

Article 12. Prohibitions on Discrimination

Sec. 7-63. *Authorization.* The consolidated government may, consistent with the Constitutions of the United States and North Carolina, enact ordinances to prohibit acts of discrimination based on race, color, national origin, religion or sex.

Sec. 7-64 and 7-65. Reserved.

Article 13. Regulations Involving Conditions of or upon Real Property

Sec. 7-66. *Condemnation and removal of unsafe buildings.* The consolidated government may provide by ordinance for the entry in and upon all premises, buildings and structures within Mecklenburg County to inspect and determine whether they are unsafe and dangerous to life or property. The ordinance may require the repair or removal of unsafe and dangerous conditions, including the removal of trash, rubbish and garbage. The ordinance may also provide for the condemnation of any premises, buildings or structures that are unsafe and dangerous to life or property and the prohibition of further use or occupancy of any unsafe or dangerous premises, buildings or structures. If the owner of any condemned premises, building or structure fails or refuses after notice, hearing and order, to repair or remove the unsafe premises, building or structure or any part thereof, he is guilty of a misdemeanor and punishable as for a violation of any ordinance. A copy of all notices and orders shall be certified by the consolidated government clerk and filed for recording in the office of the Clerk of Superior Court for Mecklenburg County in the Record of Lis Pendens, and from the date of recording shall be binding upon the owner and his successors and assigns. The consolidated government and its officers, employees, agents and contractors shall not be liable in civil or criminal actions for acting pursuant to this section or to any ordinance adopted pursuant to the section.

Sec. 7-67. *Requiring sewer connections.* The consolidated government may require owners of private drains, sinks and privies to fill up, cleanse, drain, repair, fix and improve them, and to cause all drains, toilets, sinks and all water or

sewerage facilities to be connected with the systems of the consolidated government.

Sec. 7-68. *Requiring drainage.* The consolidated government may require owners of real property to provide drainage facilities adequate to keep their premises free from standing water and dispose of the natural flow of water thereon.

Sec. 7-69. *Requiring trash and weed removal.* The consolidated government may require owners of any real property to keep it free from trash, weeds or overgrowth.

Sec. 7-70. *Government action on orders; liens.* If the owner of any real property fails or refuses to comply with an order made pursuant to this article, or if in the case of an order made pursuant to section 7-66 the owner cannot be located or found after reasonable and diligent search and notice by publication, the consolidated government may enter upon the owner's premises, perform any work necessary for compliance with the order, including, in the case of an order made pursuant to section 7-66, demolition and removal of the building, and charge the costs of the work against the owner. These costs shall be and remain a lien against the premises until paid in full, and the lien may be collected or foreclosed in the manner provided by law for the collection of unpaid taxes.

Sec. 7-71 through 7-75. Reserved.

Article 14. Powers of Firemen

Sec. 7-76. *Destruction of buildings at fires.* The chief or any officer of the Charlotte urban service district fire department, while in charge at the scene of a fire, may order the destruction of any building, structure or property when he deems it necessary to stop the progress of a fire and thereby protect life and property. No person may be liable in any manner, in civil or criminal actions, for either giving or obeying orders pursuant to this section.

Sec. 7-77. *Powers of arrest.* The chief of the Charlotte urban service district fire department and any fireman of the department, while on duty during fires, may exercise the powers conferred upon police officers of the consolidated government to make arrests and may arrest persons without warrants for interference with or obstruction to the operations of the fire department.

Sec. 7-78 and 7-79. Reserved.

Article 15. Special Police

Sec. 7-80. *Authorization.* If the Council de-

termines that special officers are necessary to police and guard designated public or private premises within Mecklenburg County, it may appoint officers for terms of up to one year to police and guard those premises and may remove the officers at any time. The consolidated government clerk or his deputy shall swear in special officers and maintain a record of their appointments. Special officers have the same authority as regular police officers to enforce the law, maintain the peace on and about designated premises and make arrests. The civil service provisions of this charter do not apply to special police.

Article 16. Public Transportation Systems

Sec. 7-81. *Authorization.* The consolidated government may plan, acquire, lease, establish, operate and maintain public transportation systems and facilities and levy taxes and expend public funds for these purposes. It may also, in connection with these systems and facilities, acquire real property, including improvements and fixtures, by any means, including by the power of eminent domain. In addition, the consolidated government may subsidize the operations of any privately owned public transportation system, and may levy taxes and expend public funds for this purpose.

The Council may provide for the operation of any public transportation system by an existing department of the consolidated government, by a

new department or by a board established for that purpose.

The Council may submit to the voters of the consolidated government the question of whether to levy a special tax to support the operations of a public transportation system, either publicly or privately owned. The question may be submitted at a regular election of the consolidated government or at a special election called for that purpose. If a majority of those voting in the election vote in favor of a tax, the consolidated government shall be authorized to levy and expend a property tax up to the approved rate to support the operations of a public transportation system.

Sec. 7-82 through 7-84. Reserved.

Article 17. Social Service Programs

Sec. 7-85. *Authorization.* The consolidated government may undertake, sponsor, organize, administer, engage in, carry out, finance and contribute to any program of social services intended to further the health, welfare, education, safety, comfort and convenience of its citizens.

Sec. 7-86 and 7-87. Reserved.

Article 18. Miscellaneous Contributions

Sec. 7-88. *Authorization.* The consolidated government may make appropriations to public and private agencies, groups, associations, corporations and persons for public purposes that will further the community's health, safety, education, culture and welfare.

CHAPTER 8. FINANCE

Article 1. Accounting and Fiscal Control

Sec. 8-1. *Fiscal year.* The fiscal year of the consolidated government commences on July 1 of each year and ends on June 30 of the following year.

Sec. 8-2. *Finance director.* The Mayor, with the approval of the Council, shall appoint, or designate some other officer to exercise the duties of, a finance director for the consolidated government. The Mayor may remove the finance director.

It is the responsibility of the finance director to see that the accounts of the consolidated government and its offices, agencies, boards, commissions and authorities (all herein called "its agencies") are kept in accordance with generally accepted principles of governmental accounting; to see that all funds of the consolidated government and its agencies are properly received and deposited; to see that proper procedures are established so that all funds of the consolidated government and its agencies are disbursed in accordance with its budget and the provisions of

this charter or general law; to see that available funds of the consolidated government and its agencies are profitably invested; to keep the Council, the Mayor and other administrators and offices, agencies, boards, commissions and authorities advised of the financial condition of the consolidated government and its agencies; and to perform other duties and responsibilities imposed upon him by the Council or the Mayor.

Sec. 8-3. *Treasurer.* The chief administrative officer, with the approval of the Mayor, shall appoint, or designate some other officer to exercise the duties of, the treasurer of the consolidated government. The treasurer shall maintain accurate records concerning the bonded debt of the consolidated government and its agencies, maintain all their sinking funds, audit at least quarterly all petty cash funds maintained by their officers or employees, and perform other duties assigned to him by the finance director or the Council.

Sec. 8-4. *Designation of depository.* The Council shall designate one or more banks or trust companies as the official depositories of the funds of the consolidated government and its agencies. The funds shall be secured in accordance with the provisions of G.S. 159-28. It shall be unlawful for any moneys of the consolidated government and its agencies to be deposited in any place not an official depository.

Sec. 8-5. *Certificate of finance director.* (a) No bill or claim against the consolidated government or its agencies may be paid unless first approved by the officer or employee who has the duty of administering the portion of the budget to which it is to be charged. No bill or claim may be paid in any form other than a check or draft drawn on an official depository. No check or draft is valid unless it bears upon its face the following certificate signed by the finance director: "Provision for the payment of this check (or draft) has been made by an appropriation duly made or bonds or notes duly authorized as required by the Charter of The Consolidated Government of Charlotte and Mecklenburg County."

The Council may allow a bill or claim that the finance director has disallowed, but only by resolution. The Mayor shall sign any check or draft given in payment of a bill or claim thus allowed. The official depository shall pay the check or draft upon presentation of a certified copy of the

resolution. All members of the Council who vote to pay any bill or claim when provision for its payment has not been made by an appropriation or by duly authorized bonds or notes are jointly and severally liable for the full amount paid.

(b) No contract or agreement requiring the payment of money may be made nor any requisition or purchase order for supplies or materials issued, unless (i) an appropriation therefor appears in the budget and a sufficient unencumbered balance remains in the appropriation to pay the sums to fall due thereunder during the fiscal year, or (ii) provision for payment of the sums to fall due thereunder has been made or will be made by the sale of bonds or notes duly issued or authorized to be issued in accordance with law, or (iii) provision for the payment of the sums to fall due thereunder has been made by a grant or loan or binding commitment of funds to be granted or loaned to the consolidated government or its agencies by a State or federal agency, or (iv) the contract is a continuing contract, some part or all of which will be performed in an ensuing fiscal year, and an appropriation appears in the budget sufficient to pay the sums to fall due thereunder in the fiscal year in which the contract is made. No contract, agreement, requisition or purchase order requiring the payment of money by the consolidated government or its agencies is valid and enforceable unless it bears on its face the following certificate signed by the finance director (adding the words in brackets for continuing contracts): "Provision for the payment of moneys to fall due under this agreement [within the current fiscal year] has been made by appropriation duly made, bonds or notes duly issued or authorized, or binding grants or loans or grant or loan commitments duly made, as required by the Charter of The Consolidated Government of Charlotte and Mecklenburg County." The certificate shall not make valid or enforceable any contract or agreement not otherwise valid or enforceable or made in violation of this article.

(c) If the finance director affixes his certificate to any check, draft, contract, agreement, requisition or purchase order in violation of this section, he is liable for any sums disbursed or committed thereby. If any officer or employee makes any contract or agreement on behalf of the consolidated government or its agencies without obtaining the finance director's certificate thereon, or if any officer or employee pays out or causes to be paid out any funds in violation of this section,

he is liable for the sums so disbursed or committed.

Sec. 8-6. *Signature machines and stamps.* The Council, with the approval of the official involved, may provide by resolution for the use of facsimile signature machines or signature stamps in signing checks and drafts. The Council shall fix upon one or more bonded officers or employees the duty of the safe custody of the machines or stamps or the signature plates used in the machines. The officers and employees and the sureties on their official bonds are liable for any illegal, improper or unauthorized use of the signature machines, stamps or plates.

Sec. 8-7. *Finance director's and treasurer's bond.* The finance director and treasurer shall each give a true accounting and faithful performance bond with sureties in an amount to be fixed by the Council, but not less than \$100,000. The consolidated government shall pay the premium on the bonds.

Sec. 8-8. *Daily deposits.* An officer or employee of the consolidated government and its agencies charged with collecting or receiving any taxes or other moneys shall deposit his collections and receipts daily. The Council may approve deposits on other than a daily basis, except deposits shall be made when the moneys on hand exceed \$250.00, and on the last business day of the month. Each officer or employee shall deposit his collections and receipts in a special clearing account maintained in his name and title. Only the finance director may order withdrawals from these accounts.

Sec. 8-9. *Investment of funds.* Funds of the consolidated government and its agencies shall be invested in accordance with the requirements of the general laws of North Carolina applying to county or municipal governments.

Sec. 8-10. *Annual independent audit.* The consolidated government and its agencies shall have their accounts audited as soon as possible after the close of each fiscal year by an independent certified public accountant. The auditor shall be selected by, and shall report directly to, the Council. The audit contract shall be in writing and shall be submitted to the Secretary of the Local Government Commission for his approval as to its form, terms and conditions. The consolidated government clerk shall file a copy of the audit report with the Secretary of Local Government.

Each officer and employee of the consolidated

government and its agencies having custody of public money or responsibility for keeping records of public financial or fiscal affairs shall produce all his books and records for examination by the auditor and shall furnish any information relating to fiscal affairs requested by the auditor. If a member of the Council or an officer or employee conceals, falsifies or refuses to deliver or furnish any books, records or information, with an intent thereby to mislead the auditor or impede or interfere with the audit, he is guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars or imprisoned for not more than one year or both, in the discretion of the court.

Within seven days after the independent auditor submits his audit to the Council, the finance director shall cause copies of the full audit and all statements or comments to be filed for public inspection in his office, in the office of the Mayor, in the office of the consolidated government clerk, and in the public reading room of the Public Library of Charlotte and Mecklenburg County.

Sec. 8-11. *Enforcement.* If the finance director approves any claim or bill, knowing it to be fraudulent, erroneous or otherwise invalid, or makes any statement required by this article knowing it to be false, or willfully fails to perform any duties imposed upon him by this charter, he shall be guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars or imprisoned for not more than one year or both, in the discretion of the court.

If any member of the Council or any officer or employee of the consolidated government or its agencies of whom duties are required by this article willfully violates any part of this article, or willfully fails to perform any of the duties, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars or imprisoned for not less than twenty days or both, in the discretion of the court, and shall be liable for all damages caused by the violation or failure.

Sec. 8-12. *Agencies excepted from fiscal control requirements.* The accounting and fiscal control requirements of this article shall apply to all departments, offices, agencies, boards, commissions and authorities of the consolidated government except the Charlotte-Mecklenburg Hospital Authority, the Charlotte-Mecklenburg Board of Education, the Central Piedmont Community College, the Mecklenburg County Board of Alcoholic

Beverage Control, the Public Library of Charlotte and Mecklenburg County, and the Auditorium-Coliseum Authority. The Council may by ordinance make the Public Library of Charlotte and Mecklenburg County or the Auditorium-Coliseum Authority or both subject to some or all of the provisions of this article.

The excepted boards and authorities shall adopt appropriate accounting and fiscal control procedures. The Council at any time may require an audit of the accounts of any excepted board or authority by an independent certified public accountant of its own choice, and may set the scope, terms and conditions of the audit.

The expense of the audit shall be paid from the funds of the board or authority being audited, and the officers and employees of the board or authority being audited shall provide books, records and information to the independent auditor in the same manner and under the same penalties as provided in this article for officers and employees of the consolidated government and its non-excepted agencies.

Sec. 8-13 through 8-22. Reserved.

Article 2. Budgeting

Sec. 8-23. *Budget officer.* The chief administrative officer, with approval of the Mayor, shall appoint, or designate some other officer to exercise the duties of, a budget officer for the consolidated government. Under the general direction of the chief administrative officer, the budget officer is responsible for the preparation and administration of the budget for the consolidated government and its officers, agencies, boards, commissions and authorities in accordance with the provisions of this charter and the general laws of the state.

Sec. 8-24. *Form of budget.* There shall be prepared annually a budget in separate parts: one for the Mecklenburg service district and one for each urban service district. Within the appropriate parts, the budget shall contain the following funds and any other funds the budget officer or the Council requires:

- (1) General Fund
- (2) Debt Service Fund
- (3) School Current Expense Fund
- (4) School Capital Outlay Fund
- (5) School Debt Service Fund
- (6) A fund for each activity or function financed in whole or in part by special taxes levied pursuant to provisions of the North Carolina Constitution

(7) A fund to account for the application of the proceeds for each bond issue

(8) A fund for each utility or other public services enterprise operated by the consolidated government. When a water system and a sanitary sewerage system are operated as a combined system, one fund may be established and maintained for the combined system.

Each urban service district is responsible for the financing of its appropriate share of debt service on all bonds issued by the consolidated government and used to finance capital facilities associated with providing or maintaining services, facilities and functions for the urban service district in addition to or to a greater extent than those provided or maintained for the entire county. Urban service district debt service expenses shall be paid from special taxes levied within each urban service district, or from other revenues allocated to each urban service district under the provisions of this charter.

Sec. 8-25. *Capital improvement program.* The Charlotte-Mecklenburg Planning Commission shall prepare annually by May 1 a Capital Improvement Program containing a description of major capital improvements proposed to be undertaken within the next six fiscal years, and showing the estimated cost of each, the proposed method of financing, the order of priorities and the projected operating and maintenance expense anticipated to be associated with each capital improvement for each of the next six fiscal years.

The budget officer shall prescribe the form of the Capital Improvement Program. The Planning Commission shall submit its recommended Capital Improvement Program to the Mayor. The Mayor shall transmit to the Council the Capital Improvement Program, together with a revised program containing any changes in the improvements or priorities listed that he may desire, at the same time he submits the recommended annual budget.

Sec. 8-26. *Budget preparation.* On or before April 1 of each year, as the budget officer may require, the head of each department, office, agency, board, commission and authority of the consolidated government shall submit to the budget officer estimates of revenues and requests for appropriations for his respective department, office, agency, board, commission and authority for the next fiscal year. These estimates and requests shall be in the form prescribed by the budget officer.

On or before May 1 of each year, the finance director shall submit to the budget officer a statement of the appropriations required to be made in the next fiscal year for debt service and to meet any lawful deficit in any fund.

Upon receipt of the estimates and requests, the budget officer shall review and investigate them. Under the direction of the Mayor and the chief administrative officer, the budget officer shall prepare for the Mayor a preliminary balanced budget for the next fiscal year. The preliminary budget shall contain the appropriations for debt service and to meet fund deficits stated by the finance director to be necessary, and may include any modification of the estimates and requests of the heads of departments, offices, agencies, boards, commissions and authorities directed by the Mayor.

Sec. 8-27. *Filing of budget.* On or before June 1 of each year the Mayor shall transmit to the Council his recommended balanced budget for the next fiscal year. The recommended budget shall show in detail the actual revenues, fund balances, reserves and expended appropriations for the preceding fiscal year; those estimated for the current fiscal year; those estimated and requested by the heads of departments, offices, agencies, boards, commissions and authorities for the next fiscal year; and those estimated and recommended by the Mayor for the next fiscal year.

Sec. 8-28. *Public hearing on budget.* On the second Tuesday of June of each year the Council shall hold a public hearing on the budget recommended by the Mayor. On the same date that the Mayor submits his recommended budget to the Council, the budget officer shall cause copies of the recommended budget to be filed for public inspection in his office, in the office of the Mayor, in the office of the consolidated government clerk and in the public reading room of the Public Library of Charlotte and Mecklenburg County. Attached to each copy of the budget filed for public inspection shall be a notice of the time and place of the public hearing.

Sec. 8-29. *Adoption of the budget ordinance.* Upon receipt of the recommended budget from the Mayor, the Council shall consider the budget and approve it with any modification it deems appropriate by adoption of the annual budget ordinance. The budget ordinance shall be adopted not earlier than June 15 and not later than the Council's first regular meeting in August. Each part shall be balanced.

In adopting the budget ordinance the Council:

- (1) Shall appropriate the full amount stated by the finance director to be necessary for debt service;
- (2) Shall appropriate the full amount of all lawful deficits reported by the finance director;
- (3) May not include in any fund, except in public assistance funds maintained pursuant to Chapter 108 of the General Statutes of North Carolina, a contingency appropriation in excess of five per cent of the total of other appropriations in the fund;
- (4) May not make total appropriations in any fund in excess of the estimated revenues and balances available to that fund; and
- (5) Shall show in the revenue portion of each fund revenues to be derived from balances or surplus from prior years, revenues other than from taxes, receipts estimated for each nonproperty tax levied, and the annual levy and estimated receipts from ad valorem property taxes needed to assure that total revenues will be at least equal to total appropriations.

Except for taxes levied on property, the Council may impose any tax authorized by law by a permanent ordinance which shall stand from year to year until amended or repealed, without the necessity of reimposing the tax in each annual budget ordinance.

Sec. 8-30. *Amendments to the budget ordinance.* At any time after adopting the budget ordinance the Council may amend the budget to accomplish any purpose that could have been accomplished under the Constitution and general laws of the state and the provisions of this charter using the same revenues used in the original budget ordinance. No amendment shall increase or reduce a tax levy, or in any manner alter a taxpayer's liability.

In amending the budget ordinance, the Council shall be subject to the ordinance procedure prescribed by section 2-22 of this charter.

Sec. 8-31. *Intrafund transfers.* Subject to any restrictions or procedures it may prescribe, the Council may by ordinance empower the Mayor, the chief administrative officer, the budget officer, the head of any office or any agency, board, commission or authority to authorize the transfer of unencumbered appropriation balances between classifications of expenditures within the appropriations for the same department, office, agency,

board, commission or authority, or within any fund. Transfers between funds may be made only by amendment of the budget ordinance.

Sec. 8-32. *Contingency appropriations.* Expenditures from contingency appropriations in any fund may be made only after express authorization of the Council. The purposes of each authorization shall be entered in the minutes of the Council.

Sec. 8-33. *Interim appropriations.* If adoption of the budget ordinance is delayed until after the beginning of the fiscal year, the Council shall make interim appropriations to cover the necessary and essential outlays of the government until adoption of the annual budget ordinance. Interim appropriations shall be charged to the appropriations made thereafter for the same purposes in the annual budget ordinance.

Sec. 8-34. *Public school budgets.* Public school budgets shall be prepared in accordance with the general laws of the state, except that the superintendent of schools shall consult with the budget officer to the end that the public school budgeting system shall, insofar as practicable, conform with the system for the general consolidated government.

Sec. 8-35. *Agencies excepted from budgeting procedures.* The budgeting requirements of this charter apply to all offices, departments, agencies, boards, commissions and authorities of the consolidated government except the Charlotte-Mecklenburg Hospital Authority, Central Piedmont Community College, the Mecklenburg County Board of Alcoholic Beverage Control and the Auditorium-Coliseum Authority. The Council may by ordinance make the Auditorium-Coliseum Authority subject to some or all of the provisions of this article.

The excepted agencies and authorities shall adopt annual budgets in such form as they may determine or as may be prescribed by law and on the basis of these request appropriations from the consolidated government. These requests shall be filed with the budget officer by April 1 of each year for the next fiscal year, and shall be included without alteration in the recommended budget submitted to the Council by the Mayor. The Mayor may, however, recommend in his accompanying budget message any change in the requested level of appropriations he deems desirable.

Sec. 8-36 through 8-45. Reserved.

Article 3. Property Tax Administration

PART 1. GENERAL PROVISIONS

Sec. 8-46. *General law to apply except as provided.* Property in Mecklenburg County shall be listed, appraised and assessed and taxes on property levied and collected as provided by general law, except as otherwise provided in this charter or in any local act applying to Mecklenburg County.

Sec. 8-47. *Tax supervisor.* At its first meeting in July of 1973 and each four years thereafter, the Council shall appoint a tax supervisor, to serve for four years.

Sec. 8-48. *Tax collector.* At its first meeting in July of 1973 and each four years thereafter, the Council shall appoint a tax collector, to serve for four years.

PART 2. BOARD OF EQUALIZATION AND REVIEW

Sec. 8-49. *Board of Equalization and Review established.* The Council shall appoint a Board of Equalization and Review for Mecklenburg County. The Board shall have six members, appointed to three-year staggered terms, to begin on February 1. The Council shall designate one of the members of the Board as chairman, and he shall be entitled to vote only in case of a tie. Members shall have experience in the appraisal and valuation of real and personal property satisfactory to the Council. The Council shall fill vacancies on the Board for the unexpired terms.

The Council shall make its initial appointments to the Board by the February 1 following the effective date of this charter. Of the six members appointed, the Council shall designate two to serve for one year, two for two years and two for three years. Thereafter all terms shall be for three years.

Sec. 8-50. *Compensation.* The Council shall fix the compensation and allowances, if any, to be paid members of the Board of Equalization and Review.

Sec. 8-51. *Oath.* Before entering upon his duties, each member of the Board of Equalization and Review shall take and subscribe the oaths prescribed in G.S. 11-6 and -7 and the following oath and file them with the consolidated government clerk:

I do solemnly swear (or affirm) that I will faithfully discharge my duties as a member of the Board of Equalization and Review of Mecklenburg County, North Carolina; and that I will not allow my actions as a member of said board to be influenced by personal or political friendships or obligations.

(Signature)

Sec. 8-52. *Tax supervisor or deputy to act as clerk.* The tax supervisor or his deputy shall serve as clerk to the Board of Equalization and Review, shall be present at all meetings, shall maintain accurate minutes of the actions of the Board and shall give to the Board all information he may have or can obtain with respect to the listing and valuation of taxable property in the county.

Sec. 8-53. *Meetings.* The chairman of the Board of Equalization and Review shall designate the time and place of each meeting of the Board. The Board shall complete its duties not later than July 1 of each year, except to hear and determine requests made by taxpayers under the provisions of section 8-55 (b) of this charter, when they are made within the time prescribed therein.

Sec. 8-54. *Notice of first meeting and of adjournment.* A notice of the date, hours, place and purpose of the first meeting each year of the Board of Equalization and Review shall be published at least three times in some newspaper having general circulation in Mecklenburg County, the first publication to be at least ten days prior to the first meeting. The notice shall also state the dates and hours on which the Board will meet following its first meeting and the date on which it expects to adjourn. It shall also include a statement that in the event of earlier or later adjournment notice to that effect will be published in the same newspaper.

If a notice is required on account of earlier adjournment, it shall be published at least once in the newspaper in which the first notice was published and at least five days prior to the date fixed for adjournment. If a notice is required on account of later adjournment, it shall be published at least once in the newspaper in which the first notice was published and prior to the date first announced for adjournment.

Sec. 8-55. *Powers and duties.* (a) It shall be the duty of the Board of Equalization and Review to examine and review the tax lists of the county

for the current year to the end that all taxable property shall be listed on the abstracts and tax records of the consolidated government and appraised according to the standard required by G.S. 105-294 (or any statute amending or replacing it); and the Board shall correct the abstracts and tax records to conform to the provisions of Subchapter II of Chapter 105 of the General Statutes. In carrying out its responsibilities under this section, the Board, on its own motion or on sufficient cause shown by any person, shall:

(1) List, appraise and assess any taxable real or personal property that has been omitted from the tax lists.

(2) Correct all errors in the names of persons and in the description of properties subject to taxation.

(3) Increase or reduce the appraised value of any property that, in the Board's opinion, shall have listed and appraised at a figure that is below or above the appraisal required by G.S. 105-294 (or any statute amending or replacing it). The Board shall not change, however, the appraised value of any real property from that at which it was appraised for the preceding year except in accordance with the terms of G.S. 105-278 and G.S. 105-279 (or any statute amending or replacing them).

(4) Cause to be done whatever else shall be necessary to make the lists and tax records comply with the provisions of Subchapter II of Chapter 105 of the General Statutes.

(5) Embody actions taken under the provisions of subsections (a) (1) through (a) (4), above, in appropriate orders and have them entered in the minutes of the Board.

(6) Give written notice to the taxpayer at his last-known address in the event the Board shall, by appropriate order under this subsection, increase the appraisal of any property or list for taxation any property omitted from the tax lists.

(b) On request, the Board of Equalization and Review shall hear any taxpayer who owns or controls property taxable in the county with respect to the listing or appraisal of his property or the property of others.

(1) A request for a hearing under this subsection shall be made in writing to the tax supervisor. If the taxpayer requests review of a decision made by the Board under the provisions of subsection (a), above, notice of which was mailed fewer than fifteen days prior to the Board's adjournment, the request may be made within fifteen days after the notice of the Board's decision was mailed.

(2) Taxpayers may file separate or joint requests for hearings under the provisions of this subsection.

(3) At a hearing under this subsection the Board, in addition to the powers it may exercise under the provisions of subsection (c), below, shall hear any evidence that is pertinent to the decision of the appeal offered by the appellant, the tax supervisor or other consolidated government officials. Upon the request of an appellant, the Board shall subpoena witnesses or documents if there is a reasonable basis for believing that the witnesses have or the documents contain information pertinent to the decision of the appeal.

(4) On the basis of its decision after any hearing conducted under this subsection, the Board shall adopt and have entered in its minutes an order reducing, increasing or confirming the appraisal appealed or listing or removing from the tax lists the property whose omission or listing has been appealed. The Board shall notify the appellant as to the action taken on his appeal not later than thirty days after the Board's adjournment.

(c) In the performance of its duties under subsections (a) and (b), above, the Board of Equalization and Review may exercise the following powers:

(1) It may appoint committees composed of its own members or other persons to assist it in making investigations necessary to its work. It may also employ expert appraisers. The expense of the employment of committees or appraisers shall be borne by the consolidated government. The Board may require the taxpayer to reimburse the consolidated government for the cost of any

appraisal by experts demanded by him if the appraisal does not result in material reduction of the valuation of the property appraised and if the appraisal is not subsequently reduced materially by the Board or by the State Board of Assessment.

(2) The Board may examine any witnesses and documents. It may place any witness under oath administered by any member of the Board. It may subpoena witnesses or documents on its own motion, and must do so when a request is made under subsection (b) (3), above.

A subpoena issued by the Board shall be signed by the chairman, directed to the witness or to the person having custody of the document and served by an officer authorized to do so. A subpoena may be enforced pursuant to section 11-37 of this charter.

(d) Following formal adjournment of the Board each year as provided in section 8-53 of this charter, the Board may exercise the authority granted boards of county commissioners by G.S. 105-330 (or any statute amending or replacing it) and may continue to function only for that purpose. The Council may not exercise the authority granted by G.S. 105-330.

Sec. 8-56 through 8-60. Reserved.

Article 4. Local Improvements

Sec. 8-61. *Authority.* The consolidated government has all the power and authority granted to counties and municipalities by the general laws of the state with respect to local improvements, such as, but not limited to, grading, regrading, widening, paving and repaving of public streets and alleys; constructing, reconstructing, and altering of sidewalks, curbs, gutters and drains in the public streets and alleys; and laying or relaying sewer and water lines. The authority granted by this article is in addition to that granted by any other law, and with respect to any particular local improvement, the consolidated government may exercise any one or more of the alternative powers available to it.

Sec. 8-62. *Alternative procedures and powers.* In making special assessments the consolidated government may employ the following procedures:

(a) Upon receipt of a petition from one or more owners of abutting property where fifty

per cent or more of the total street frontage is in one ownership, the Council may order the making of any local improvement. The Council may assess the cost thereof against the abutting property in the same manner and following the same procedures set out in the general laws of the state for making special assessments against property benefited by local improvements.

(b) The Council may order the making of any local improvement and assess the cost thereof, except the consolidated government's portion, against only a limited number of abutting properties if the owner of those properties submit a petition asking that the improvement be made and that the total amount to be assessed for the improvement be assessed only against their properties.

(c) If, in the Council's judgment, which shall be conclusive, the abutting property to be assessed will be benefited in an amount at least equal to the assessment, a petition for local improvements shall not be necessary and the Council may order the making of any local improvement and assess the cost thereof against abutting properties in the following cases:

(1) When any street or part of a street is unsafe; or the improvement of a street or part of a street not more than three blocks in length is necessary to connect streets already paved; or the improvement of a street or part of a street is necessary to connect a paved street, or portion thereof, with a paved highway; or the improvement of a street or part of a street is necessary to provide a paved approach to a railroad or street grade separation to any bridge; or the widening of any street or part of a street is necessary to accommodate present and anticipated volumes of traffic.

(2) When any street or part of a street, or any property, is without storm sewer or other surface drainage improvements, and storm sewer or other surface drainage should be provided in the public interest.

(3) When any street or part of a street is without sidewalks and sidewalks should be provided in the public interest.

(d) If the Council determines that the public interest requires repair of a sidewalk or portion

of a driveway within the public right of way, the Council may order the making of the repair and assess the total cost against the property abutting the sidewalk or driveway repaired. Before an assessment may be made for the repair, at least thirty days' written notice shall be given to the abutting property owner personally or by registered or certified mail to his last known address or his address as shown on the tax records. The notice shall state that he is required to make the repair at his own expense in conformity with the sidewalk standards adopted by the consolidated government, and that if he shall fail to make the repair within thirty days after notice is served, the consolidated government thereupon may make the repair and assess the cost. If the Council finds that any sidewalk or driveway is in need of immediate repair, the Council may adopt a resolution setting out its finding and directing that the repair be made immediately and that the cost be assessed against the abutting property without prior notice to the property owner affected.

(e) The Council may provide for special assessment exemptions for corner lots. Exemptions for corner lots may apply to only one side of each lot and the amount of the exemption may not exceed seventy-five per cent of the frontage of that side. If the corner formed by two intersecting streets is rounded into a curve or is foreshortened for the purpose of providing sight distance or for any other purpose of construction, the frontage for assessment purposes shall be calculated to the midpoint of the curve or foreshortened corner.

(f) Any property owner has the option of paying assessments for local improvements in cash or in installments. In the resolution ordering the improvements, the Council shall determine the number of equal annual installments, which shall be not less than two nor more than ten. The Council may direct that (1) installments shall become due and payable on the same date when property taxes are due and payable, or (2) the first installment with interest shall become due and payable sixty days after the date of the confirmation of the assessment roll, and one subsequent installment with interest shall be due and payable on the same day of the month in each successive year until the assessment is paid in full.

Sec. 8-63. *Planting strip and driveway maintenance.* It is the responsibility of the abutting property owner to maintain any property or driveway between the property line and the curb of a paved street.

Sec. 8-64. *Exchange of property.* In connection with street widening, the consolidated government may purchase property immediately adjacent to property located on a street corner and convey the inside property to the owner of the corner property in exchange for property needed for street widening purposes.

Sec. 8-65. *Dedication of water and sewer lines.* Before any person, firm or corporation may connect any privately owned water or sewer line with any water or sewer line of the consolidated government, the person, firm or corporation in consideration of making the connection and the benefits to be derived therefrom shall, by proper written instrument, convey the water or sewer line to the consolidated government. No connection may be made with the consolidated government's water or sewer lines without the express approval of the consolidated government, nor may any connection be effected except in accordance with its applicable regulations. If any person, firm or corporation connects any privately owned water or sewer line without first dedicating and conveying it to the consolidated government, the act of connecting shall be considered a conveyance of the line to the consolidated government and the consolidated government may accept it or may order that it be disconnected. The consolidated government may contract with any person, firm or corporation to lay water or sewer lines within or without the consolidated government and connect them to the consolidated government's systems, notwithstanding any provisions of this section.

Sec. 8-66 through 8-70. Reserved.

Article 5. Limits on Taxation

Sec. 8-71. *Property taxation authority and limitations.* The consolidated government may levy taxes on property to support any service, facility, or function it is authorized to undertake by (a) this charter; (b) the general laws of the state for municipalities or counties; or (c) any local act applying to the former City of Charlotte or to Mecklenburg County. The property tax levied throughout its jurisdiction shall not be levied at a rate exceeding seventy-five cents on the one hundred dollars of assessed valuation. The property tax levied within any urban service district for the support of purposes of the district shall not be levied at a rate exceeding one dollar and fifty cents on the one hundred dollars of assessed valuation.

These limitations shall not apply to property taxes levied: (a) for debt service on general obligation bonds of the consolidated government; (b) for the support of the public schools; or (c) for any purpose approved by a special vote of the people.

The consolidated government shall be subject to these limitations only and not to any imposed on counties or municipalities by the general laws of the state.

Sec. 8-72. *Privilege license taxation.* The consolidated government may levy municipal privilege license taxes throughout its jurisdiction pursuant to G.S. 160-56 and Schedule B of Chapter 105 of the General Statutes of North Carolina. It is not subject to the limitations imposed by Schedule B on counties, and may not levy county privilege license taxes. Any proceeds the consolidated government receives from privilege license taxes levied on trades, professions and franchises carried on or enjoyed within any of the towns that continue as separate municipalities shall be returned to the town in which the trade, profession or franchise is carried on or enjoyed.

Sec. 8-73. *Motor vehicle license tax.* The consolidated government may levy the motor vehicle license tax authorized by G.S. 20-97 throughout its jurisdiction. Any proceeds from a motor vehicle license tax levied throughout the jurisdiction arising from collections from persons resident in any of the towns that continue as separate municipalities shall be returned to the town of residence. The taxicab license tax authorized in G.S. 20-97, however, may be levied only in urban service districts.

Sec. 8-74. *Dog taxes.* The consolidated government may levy the county dog tax authorized by Article 2 of Chapter 67 of the General Statutes of North Carolina throughout its jurisdiction. It may not levy the municipal dog tax authorized by G.S. 160-56.

Sec. 8-75. *CATV franchise tax.* The consolidated government may levy the cable television franchise tax authorized by G.S. 160-2(6a) throughout its jurisdiction. Any proceeds from a cable television franchise tax levied throughout the jurisdiction arising from gross sales within any of the towns that continue as separate municipalities shall be returned to the town in which the sales took place.

Sec. 8-76 through 8-78. Reserved.

Article 6. Allocation of Revenues

Sec. 8-79. *Revenues allocated to the Mecklenburg service district.* The following revenues shall be allocated to the Mecklenburg service district:

(a) Beer and wine crown tax receipts.—The entire portion of the beer and wine crown tax returned to Mecklenburg County under the provisions of G.S. 18-81(p), save the portion due to any of the towns of Cornelius, Davidson, Huntersville, Matthews or Pineville that continue as separate municipalities.

(b) Excise stamp tax.—The excise stamp tax on conveyances levied by Article 8E of Chapter 105 of the General Statutes of North Carolina.

(c) Privilege license tax.—Privilege license tax proceeds, save that portion returned to the towns that continue as separate municipalities.

(d) Motor vehicle license taxes.—Proceeds of any motor vehicle license tax levied under G.S. 20-97, save that portion returned to the towns that continue as separate municipalities.

(e) Dog tax.—Proceeds of any dog tax levied pursuant to Article 2 of Chapter 67 of the General Statutes of North Carolina.

(f) CATV franchise tax.—Proceeds of the cable television franchise tax, save that portion returned to the towns that continue as separate municipalities.

(g) Other.—All revenues that are not explicitly allocated in this article.

Sec. 8-80. *Revenues allocated to urban service districts.* (a) Powell Bill distributions.—State street-aid funds, appropriated from the State Highway Fund pursuant to G.S. 136-41.1 to -41.3, shall be allocated to each urban service district on the same basis as if each district were a municipality.

(b) Franchise tax receipts.—The share of the state franchise tax on public service companies levied under G.S. 105-116 that is due the consolidated government by reason of the sale of public service company commodities and services within any urban service district shall be allocated to the urban service district in which it was collected.

(c) Traffic penalties.—Civil penalties collected for violations of traffic ordinances pertaining to a single urban service district shall be allocated to the urban service district in which the violation occurred.

(d) Utility profits.—If any municipality that

operates an electric or telephone utility, or both, is abolished and replaced by an urban service district, the profits from the continued operation of the utility shall be allocated to the district that replaces the municipality.

(e) Taxicab License tax.—The proceeds from any taxicab license tax levied pursuant to G.S. 20-97 shall be allocated to the urban service district in which the taxicab is operated.

Sec. 8-81. *Intangibles tax distributions.* The intangibles tax proceeds distributed to Mecklenburg County under G.S. 105-213 shall be divided among the Mecklenburg service district, any urban service districts and any of the towns that elect to continue as separate municipalities as if the Mecklenburg service district were a county and each urban service district were a municipality.

Sec. 8-82. *ABC revenue.* The Mecklenburg County Board of Alcoholic Beverage Control, at the end of each quarter, after taking the deductions allowed by law and retaining a sufficient and proper working capital, shall distribute the entire profits derived from the ABC stores in Mecklenburg County to the consolidated government for allocation among the Mecklenburg Service District and any urban service districts as the Council may determine to be fair and equitable. Of the ABC revenues, at least five per cent shall be allocated for the support of the Public Library of Charlotte and Mecklenburg County and at least five per cent shall be allocated for the support of the Charlotte-Mecklenburg Park and Recreation Commission. If the Council allocates any ABC revenues to any urban service district, the Council shall also allocate the same per capita amount to each urban service district and to each municipality in the county.

Sec. 8-83. *Mecklenburg sales tax receipts.* The net proceeds of the sales tax levied in Mecklenburg County pursuant to Chapter 1096 of the Session Laws of 1967, as that law exists at the time of the enactment of this Charter or as it may later be amended, shall be distributed to the consolidated government for allocation among the Mecklenburg Service District and any urban service districts as the Council may determine to be fair and equitable. If the Council allocates any sales tax receipts to any urban service district, the Council shall also allocate the same per capita amount to each urban service district and to each municipality in the county.

Sec. 8-84. *Arrest fees.* The arrest fee provided for in G.S. 7A-304(a)(1) shall be allocated between the Mecklenburg service district and each urban service district in proportion to law enforcement expenditures in each district in the previous fiscal year.

Sec. 8-85. *Fees and charges.* All fees and charges imposed by the consolidated government for a particular service, facility or function shall be allocated to the service district in which the service, facility or function is provided or maintained. If a particular service, facility or function is provided or maintained for the Mecklenburg service district and to a greater extent for one or more urban service districts, the Council shall determine the allocation of the fee or charge.

Sec. 8-86 and 8-87. Reserved.

Article 7. Indebtedness

Sec. 8-88. *Authority to issue general obligation bonds.* The consolidated government may issue its general obligation bonds for any purpose for which either county or municipal governments in North Carolina are authorized to issue bonds under the general laws of the state.

Sec. 8-89. *Procedure for issuing general obligation bonds.* In issuing its general obligation bonds, the consolidated government is subject to the

provisions of the Local Government Act (G.S. Ch. 159), the County Finance Act (Art. 9 of G.S. Ch. 153), the Municipal Fiscal Agency Act (Art. 31 of G.S. Ch. 160), the Municipal Bond Registration Act (Art. 32 of G.S. Ch. 160) and the Consolidated Counties Act of 1971 (Arts. — of G.S. Ch. 153) as these exist at the effective date of this charter or as they may later be amended.

Sec. 8-90. *Debt limitations.* The net indebtedness in the form of general obligations of the consolidated government for school purposes may not exceed eight per cent of the assessed valuation of taxable property in the county. The net indebtedness in the form of general obligations of the consolidated government for all purposes other than for schools or water, sewerage, gas and electric purposes may not exceed eight per cent of the assessed valuation of taxable property in the county. No other debt limitations applying to counties and municipalities in North Carolina apply to the consolidated government.

Sec. 8-91. *Authority to issue revenue bonds.* The consolidated government may issue revenue bonds under the provisions of the Revenue Bond Act of 1938 (Art. 30 of G.S. Ch. 160) and any other general law now or hereafter enacted authorizing counties and municipalities in North Carolina to issue revenue bonds.

CHAPTER 9. ELECTIONS

Sec. 9-1. *General applicability of state law; intent.* Except as otherwise provided in this charter, Chapter 163 of the General Statutes of North Carolina shall apply to the elections for the office of Mayor and for membership on the Council and the Charlotte-Mecklenburg Board of Education. If the provisions of Chapter 163 and this charter are inconsistent, the provisions of this charter shall apply. Where used in Chapter 163, the word "county" or "counties" shall include the consolidated government, and the office of Mayor and membership on the Council and Board of Education shall each be a county office.

Sec. 9-2. *Election board.* The Mecklenburg County Board of Elections shall be the Board of Elections for the consolidated government.

Sec. 9-3. *Types of elections.* All elections for membership on the Council and for the office of Mayor are partisan. All elections for membership on the Board of Education are nonpartisan.

Sec. 9-4. *Primary and general elections.* Regular consolidated government elections shall be held as follows: (a) Primary elections of each qualified political party shall be held on the second Monday in September in odd-numbered years to nominate one candidate for the office of Mayor

(if a Mayor is to be elected) and one candidate for each Council seat to be filled. The persons receiving the highest number of votes for each office shall be the nominees of their parties for those offices. If there is a tie in the primary, the appropriate County party executive committee shall select its party's nominee for the office in accordance with the provisions of G.S. 163-11(f) and G.S. 163-114. A second primary shall not be held.

(b) General elections for the office of Mayor and for membership on the Council shall be held on the first Monday in the November following the primary and the person receiving the highest number of votes for each office shall be declared elected.

(c) The general election for membership on the Board of Education shall be held at the time of the primaries for nomination of state officers. The names of the candidates shall be placed on a separate ballot bearing no party designation, and no party affiliation need be indicated at the time of filing.

Sec. 9-5. *Notice of candidacy.* (a) Between July 1 and the first Monday in August in odd-numbered years, each person offering himself as a candidate for his party's nomination to the office of Mayor or for membership on the Council in the next regular consolidated government election shall file a notice of candidacy with the Board of Elections substantially in the form provided for by G.S. 163-106, but the notice shall state whether the person offers himself as a candidate for membership on the Council for an at-large or a district seat.

(b) Each person offering himself as a candidate for election to the Board of Education shall, during the period beginning on the tenth Saturday and ending on the sixth Saturday before the date on which the election is to be held, file a notice of candidacy with the Board of Elections in the following form, inserting or deleting the words in brackets where appropriate:

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

Date _____

I, _____, being a duly qualified voter of The Consolidated Government of Charlotte and Mecklenburg County, hereby give notice that I reside at _____

_____, in Electoral District No. _____, in Precinct No. _____, of The Consolidated Government of Charlotte and Mecklenburg County, and that I am a candidate for election to membership on the Board of Education [at-large, or from the _____

district], to be voted upon at the election to be held on the _____ day of _____, 19_____, and I request that my name be printed on the official ballots in the name signed and printed below.

(Signed name)

(Printed name)

Witness: _____
For the Board of Elections

(c) At the time he files his notice, each candidate shall pay a filing fee equal to one per cent of the annual salary of the office, or one hundred dollars, whichever is less.

Sec. 9-6. *Independent candidates.* A person may seek to become an independent or nonpartisan candidate for Mayor or for membership on the Council by, on or before the last Monday in August in odd-numbered years, filing with the Board of Elections written petitions requesting him to be a candidate for a specified office. The petitions

(a) in the case of a candidate for Mayor or an at-large seat on the Council must be signed by qualified voters of the consolidated government equal in number to at least ten per cent of those who, in the last general election for Mayor, voted for Mayor; and

(b) in the case of a candidate for a district seat on the Council must be signed by qualified voters of the district equal in number to at least ten per cent of those who, in the last general election for Mayor, voted in the district for Mayor. At the time of filing his petitions, the person shall pay the required filing fee and shall also file with the Board his affidavit that he seeks to become an independent or nonpartisan candidate for the office specified and that he does not affiliate with any political party. When these requirements have been met, the Board of Elections shall cause the person's name to be printed on the general election ballots for the office specified.

Sec. 9-7. *Absentee ballots.* Absentee ballots are permitted only in general elections.

Sec. 9-8. *Duties of Board of Elections, canvassing, declaring results.* On or before the third day (excluding Sundays) after any election, the Board of Elections shall meet beginning at 10:00 a.m. at its offices to canvass and prepare abstracts of the votes.

On or before the fourth day (excluding Sundays) after any election, the Board, before 9:00 a.m., shall file one duplicate set of the abstracts of returns with the consolidated government clerk.

Sec. 9-9. *Cooperation.* The Board of Elections and the election boards or officials of any municipality within Mecklenburg County may cooperate in conducting municipal elections. The Board may enter into cooperative agreements and contracts pursuant to the provisions of section 10-6 of this charter.

Sec. 9-10. *Part-time personnel.* The Board of Elections is not subject to the personnel policies of the consolidated government in the employment of part-time personnel.

The Board may not employ part-time personnel for longer than 60 days.

CHAPTER 10. CONTINUING MUNICIPAL CORPORATIONS

Article 1. Relationship to Consolidated Government

PART 1. EXERCISE OF INDIVIDUAL POWERS

Sec. 10-1. *Included within Mecklenburg service district.* The citizens of any of the towns of Cornelius, Davidson, Huntersville, Matthews, and Pineville that continue as separate municipalities are citizens of the consolidated government as well and are entitled to services, facilities and functions that are provided or maintained by the consolidated government for citizens of the Mecklenburg service district.

Sec. 10-2. *Limitation on powers.* (a) Except as expressly provided, this charter does not abridge the authority of any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville that continues as a separate municipality to enjoy and be subject to all the powers, duties, rights, privileges and immunities that incorporated municipalities enjoy and are subject to at or after the effective date of this charter under the Constitution and general laws of the State of North Carolina and to all the powers, duties, rights, privileges and immunities that the town at or after the effective date of this charter enjoys and is subject to under its charter.

(b) No town that continues as a separate municipality may annex territory included within an urban service district of the consolidated government unless the Council by resolution agrees.

PART 2. COOPERATION BETWEEN CONSOLIDATED GOVERNMENT AND TOWNS

Sec. 10-3. *Cooperation authorized.* The con-

solidated government and its boards, commissions and authorities (herein collectively known as the "consolidated government") and any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville that continue as separate municipalities may (1) exercise or enjoy jointly or (2) contract for the consolidated government or the town to exercise or enjoy for both, any power, duty, right, privilege or immunity that the consolidated government and the participating town may exercise or enjoy individually. The participating governments may enter into contracts or agreements with each other or with any person in order to execute any undertaking. The contracts and agreements shall be of reasonable duration, as determined by the participating governments, and shall be ratified by resolution and entered in the minutes of each governing board.

Sec. 10-4. *Joint agencies.* (a) To facilitate the joint exercise or enjoyment of any power, duty, right, privilege or immunity, the participating governments may establish a joint agency to be charged with any or all of the responsibility for the undertaking. The participating governments shall hold real property necessary to the undertaking in any proportion they determine; otherwise they may authorize the joint agency to exercise or enjoy any power, duty, right, privilege or immunity necessary to execute the undertaking.

(b) The participating governments may appropriate funds to the joint agency on the basis of an annual budget prepared by the agency in accordance with the procedures of this charter. The agency shall substantially comply with the fiscal control procedures of this charter.

Sec. 10-5. *Personnel.* (a) The governments may agree that the joint agency, if one is established,

shall appoint the officers, agents and employees necessary to execute the undertaking; or that the governments jointly shall appoint these personnel; or that one government shall appoint the personnel, whose services shall be contracted for by the others or by the joint agency, if one is established. If one government appoints the personnel, the agreement shall provide that the jurisdiction, authority, rights, privileges and immunities, including coverage under the workmen's compensation laws, which the officers, agents and employees of the appointing government enjoy within its jurisdiction shall also be enjoyed by them outside that jurisdiction when they are acting pursuant to the agreement and within the scope of the authority or course of their employment.

(b) When the subject of an undertaking is a sovereign function of government, the exercise of which has been delegated to an officer of the participating governments, the agreement may provide that one officer shall exercise the function for all the participating governments, with all the powers, duties, rights, privileges and immunities that he would have while exercising the function within a single government.

Sec. 10-6. *Provisions of the agreement.* Any contract or agreement establishing an undertaking shall specify:

(a) The purpose or purposes of the contract or agreement;

(b) Its duration;

(c) If a joint agency is established, its composition, organization and nature, and the powers it may exercise;

(d) The manner of appointing the personnel necessary to execute the undertaking;

(e) The method of financing the undertaking, including the apportionment of costs and revenues;

(f) The ownership of any real property involved in the undertaking, and procedures for disposal of the property if the contract or agreement is terminated;

(g) Methods of amending the contract or agreement is terminated;

(h) Methods for terminating the contract or agreement; and

(i) Any other appropriate matter.

Sec. 10-7. *Part to supplement general law.* The authorizations and procedures of this part are

intended to supplement and not supplant any authorization and procedure for interlocal cooperation contained in the General Statutes of North Carolina. When the consolidated government and any town may proceed under this part or under the General Statutes, they may proceed under either.

Article 2. Consolidating a town with The Consolidated Government

Sec. 10-8. *Authority.* At any time after the effective date of this charter, any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville that continue as separate municipalities may be abolished and their powers, duties, rights, privileges and immunities shall be consolidated with those of, and exercised by, the consolidated government.

Sec. 10-9. *Procedure.* Any of the towns may consolidate with the consolidated government if, at a town referendum held on the question of whether or not the town should consolidate, a majority of those voting vote for consolidation. The town's governing board shall cause a referendum to be held within 120 days after (1) the board has passed an ordinance provisionally consolidating the town with the consolidated government, or (2) the board has been presented with a petition for consolidation signed by at least 10 per cent of the registered voters of the town. The town's governing board shall notify the Council in writing of the results of the referendum.

Sec. 10-10. *Effective date.* The effective date of consolidation shall be the July 1 next following the referendum.

Sec. 10-11. *Cooperation and transition.* The officers and employees of the consolidated government and the town shall cooperate with each other in bringing about an orderly consolidation. On the effective date of consolidation, the terms of office of all elected officials of the town automatically shall terminate and the offices shall be abolished.

Sec. 10-12. *Continuation, transfer of assets and liabilities.* Upon consolidation, the provisions of sections 13-1 through 13-6 of this charter shall apply as appropriate to the consolidating town as though it were consolidating at the effective date of this charter.

CHAPTER 11. MISCELLANEOUS PROVISIONS

Article 1. Continuing Officers

Sec. 11-1. *Sheriff; Register of Deeds.* The offices of Sheriff and of Register of Deeds of Mecklenburg County continue within the consolidated government as provided in the Constitution and Laws of North Carolina.

Article 2. Claims Against the Government

Sec. 11-2. *Notice of claims.* No action against the consolidated government for damages of any character whatever, to either person or property, may be instituted unless the complainant, or his executors or administrators, has given written notice to the consolidated government at least ninety days before filing the action. If notice is given within ninety days of the running of the applicable statute of limitations, the statute of limitations shall be extended so that it runs 90 days after the day on which notice is given. The notice shall state the date, time and place of the injury, the manner of its infliction, the names and addresses, if known, of any persons involved, the character of the injury and the amount of damages claimed.

Sec. 11-3. *Authority to purchase liability insurance.* The consolidated government may contract to insure itself and any of its officers, agents and employees against liability for wrongful death or negligent or intentional damage to person or property, and against absolute liability for damage to person or property, caused by an act or omission of the consolidated government or any of its officers, agents or employees when acting within the scope of their authority or the course of their employment. The Council shall determine what liabilities and what officers, agents and employees shall be covered by any insurance purchased pursuant to this section.

Purchase of insurance pursuant to this section waives the consolidated government's governmental immunity, to the extent of insurance coverage, for any act or omission occurring in the exercise of a governmental function of local government during the term of the insurance. By entering into an insurance contract with the consolidated government, an insurer waives any defense based upon the governmental immunity of the consolidated government.

Sec. 11-4. *Damage suits against the government involving governmental functions.* Any person, or in case of his death his personal representative, sustaining damages as a result of an act

or omission of the consolidated government or any of its officers, agents or employees, occurring in the exercise of a governmental function of local government, may sue the consolidated government for recovery of damages. To the extent of the coverage of insurance purchased pursuant to section 11-3, governmental immunity shall not be a defense to the action. Otherwise, the consolidated government shall have all defenses available to private litigants and to counties and municipalities in any action for wrongful death or intentional or negligent damage to person or property, or absolute liability for damage to person or property, without restriction, limitation or other effect, whether the defense arises from common law or by virtue of any statute.

Despite the purchase of insurance as authorized by section 11-3 of this charter, the liability of the consolidated government for acts or omissions occurring in the exercise of governmental functions does not attach unless the plaintiff waives the right to have all issues of law or fact relating to insurance in the action determined by a jury. The judge shall hear and determine these issues without resort to a jury, and the jury shall be absent during any motions, arguments, testimony or announcement of findings of fact or conclusions of law relating to these issues unless the defendant requests a jury trial on them.

Sec. 11-5 through 11-7. Reserved.

Article 3. Governmental Property

Sec. 11-8. *Restrictions on sale of foreclosed property.* When the consolidated government acquires title to real property or an interest in real property by virtue of the enforcement of any lien, it may not sell the property or the interest within one year after the date of the execution of the deed by which title was acquired, except:

(a) By private sale to any person owning an interest (other than an interest under a mortgage, deed of trust or other lien) therein at the time the lien was enforced. The consideration paid to the consolidated government shall be equal to the taxes, penalties and other liens enforced, plus court costs expended for enforcement; or

(b) With the written consent of all persons owning an interest (other than an interest under a mortgage, deed of trust or other lien) therein at the time the lien was enforced.

Sec. 11-9. *Eminent domain: powers and procedures.* (a) The consolidated government has any power of eminent domain that counties,

municipalities and other public agencies or political subdivisions have at or after the effective date of this charter.

(b) The consolidated government may exercise the power of eminent domain by any of the following procedures:

(1) Those set out in Article 9 of Chapter 136 of the General Statutes of North Carolina,

(2) Those set out in Article 2 of Chapter 40 of the General Statutes of North Carolina, or

(3) Those set out in any other provision of general law.

Sec. 11-10. *Air rights.* The consolidated government may acquire or lease as lessee air rights, or any easement or other interest therein, over property held by others. It may convey or lease as lessor these air rights or interests therein, or the air rights, or any easement or other interest therein, over property held by it.

Sec. 11-11. *Board of Awards.* The Council may establish a board of awards, consisting of officers and employees of the consolidated government or members of the public or both, to approve and award contracts according to procedures established by the Council and in compliance with the requirements of G.S. 143-129 and G.S. 143-131.

Sec. 11-12 through 11-16. Reserved.

Article 4. Employee's Obligations

Sec. 11-17. *Conflicts of interest.* Any employee of the consolidated government and its agencies, boards, commission and authorities (herein called "its agencies") who has a direct or indirect financial interest in any proposed contract with the consolidated government or its agencies or in a proposed sale of real property, material, supplies or services to the consolidated government or its agencies or to a contractor supplying the consolidated government or its agencies shall make known that interest. Any employee who willfully violates the requirements of this section is guilty of malfeasance and shall forfeit his position. Violation of this section with the express or implied knowledge of the person, firm or corporation contracting with or making a sale to the consolidated government shall render the contract void.

Sec. 11-18 and 11-19. Reserved.

Article 5. Federal and State Aid

Sec. 11-20. *Federal and state aid.* (a) The

consolidated government shall be considered both a county and a municipality for the purposes of determining its right to receive, and of qualifying for receiving and expending, any amount or form of financial assistance or support from the United States or the State of North Carolina or from any federal or state agency or instrumentality. The consolidated government is entitled to receive this assistance in the same manner as any county or municipality, without diminution or loss because of the consolidation with the County of Mecklenburg of the City of Charlotte and any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville whose citizens elect not to continue their town as a separate municipality.

(b) When the federal or state governments distribute funds to counties in the State on the basis of population or area or both, the entire population and total area of Mecklenburg County shall be used in calculating and determining the basis of the distribution. When funds are distributed to counties on the basis of the population or area or both of their unincorporated areas, the areas outside any urban service districts of the consolidated government shall be considered unincorporated areas. When funds are distributed to municipalities in the State on the basis of population or area or both, the population and total area of any urban service districts of the consolidated government shall be used in calculating and determining the basis of any distribution to the consolidated government.

Sec. 11-21. *Participation in state and federal programs.* When its action will facilitate provision of services to or otherwise benefit its citizens, the consolidated government may participate and cooperate in and take all necessary actions, including the levy of taxes and appropriation of funds, with respect to any project, program or undertaking authorized by any statute, rule or regulation of the United States or the State of North Carolina or any federal or state agency or instrumentality.

Sec. 11-22 through 11-24. Reserved.

Article 6. Formation of Other Political Subdivisions

Sec. 11-25. *Procedure; Council consent.* The Council's consent must be obtained before any political subdivision, whether a municipal corporation, special district or other similar tax-levying or revenue-raising governmental agency, board, commission, authority or entity, may be estab-

lished to operate within the jurisdiction of the consolidated government. Any person petitioning a state, county or municipal governmental body for the creation of a political subdivision within the jurisdiction of the consolidated government shall file with the Council a certified copy of the petition at the same time he files the petition with the other governmental body. If the Council neither withholds nor gives its consent to the petition by its second regular meeting following receipt of the petition, it shall be deemed to have consented. If the Council withholds its consent, the petition and any action taken on it by any other governmental body is of no effect, and no similar petition may be submitted until six months after the Council's withholding of its consent. If the Council consents, the petition shall be acted on according to the procedures established by general law for the creation of the proposed political subdivision.

Sec. 11-26 and 11-27. Reserved.

Article 7. Meetings

Sec. 11-28. *Meetings to be open.* Except as provided in this article, all meetings of the Council, of the Charlotte-Mecklenburg Board of Education and of all boards, commissions and authorities appointed by the Council, the Mayor or both shall be open to the public. No question, matter or issue may be considered or voted on by the Council, the Board of Education or any board, commission or authority except in public session and after compliance with section 11-30, and the results of each vote shall be recorded in the minutes. Actions taken in any meeting held in violation of this section are void.

For purposes of this article, a meeting takes place any time a majority of members of the Council, the Board of Education or any board, commission or authority assembles.

Sec. 11-29. *Executive sessions permitted.* The Council, the Board of Education and any board, commission or authority may hold executive sessions to consider but not vote on:

(1) Appointment, promotion, demotion and discharge of personnel, and hearing of complaints against personnel, unless the person affected requests a public hearing;

(2) Appointments of persons to boards, commissions and authorities;

(3) Deliberations preparatory to acquisition of real property;

(4) Preparation of negotiating positions in collective bargaining and litigation;

(5) States of emergency; and

(6) Any matter which is required to be heard in executive session by federal or state law.

Before the Council, Board of Education or any board, commission or authority may hold an executive session, it shall cause to be posted on its principal bulletin board notice of the meeting and of the subjects to be discussed. Minutes of all executive sessions shall be kept and shall be made available for public inspection when they no longer would be likely to affect adversely the reputation or privacy of any person or the interests of the consolidated government.

Sec. 11-30. *Notice of public sessions.* Except for meetings called to deal with states of emergency, neither the Council, the Board of Education nor any board, commission or authority may hold a meeting required to be open to the public without posting notice of the meeting on its principal bulletin board at least twenty-four hours before the meeting.

Sec. 11-31. *Injunctive relief.* Any citizen of the consolidated government may apply to a court of competent jurisdiction for an injunction to prevent violations of this article.

Sec. 11-32 through 11-36. Reserved.

Article 8. Subpoenas

Sec. 11-37. *Enforcement of subpoenas.* If a person fails or refuses to obey a reasonable order for attendance or for the production of evidence, issued pursuant to this charter by the Council, the Mayor, the Civil Service Commission or the Board of Equalization and Review, the issuing authority may apply to a court of competent jurisdiction for an order requiring that its order be obeyed. No testimony of any witness before the issuing authority in any investigation may be used against the witness on the trial of any criminal prosecution other than for false swearing committed on the examination. If any person, while under oath at an investigation of the Council, the Mayor, the Civil Service Commission or the Board of Equalization and Review, willfully swears falsely, he is guilty of a misdemeanor.

CHAPTER 12. CHANGES IN FORM AND STRUCTURE OF GOVERNMENT AND CHARTER REVISION COMMISSION

Article 1. Changes in Form and Structure of Government

Sec. 12-1. *Modifying the form and structure of government.* The voters of Mecklenburg County may amend this charter to modify the form and structure of the consolidated government with respect to the following matters only:

(a) The terms of office of members of the Council, including whether or not the terms shall be staggered, but the terms shall be either two or four years;

(b) The manner of election of members of the Council, including whether the Council shall consist of at-large representatives only, district representatives only, representatives elected at large but required to reside in districts, or any combinations of these;

(c) The number of members of the Council, but the number of members shall not be less than seven nor more than 25;

(d) Whether elections for Mayor and the Council shall be partisan or nonpartisan;

(e) Whether the Mayor shall be elected by the voters of Mecklenburg County or shall be selected by the Council from among its members to serve at its pleasure, and whether the term of office of the Mayor shall be two or four years; and

(f) Whether a council-manager form of government shall be adopted.

Sec. 12-2. *Method of modifying the form and structure of government.* (a) The Council may initiate a referendum to amend this charter to modify the form and structure of government in any of the respects set out in section 12-1 by adopting a resolution. The resolution shall specify in detail the proposed modifications.

(b) The people may initiate a referendum to amend this charter to modify the form and structure of government in any of the respects set out in section 12-1 by presenting to the Council a petition signed by a number of qualified voters equal to at least twenty-five per cent of those

who voted in the last mayoral election. The petition shall be in substantially the following form:

To the Council of The Consolidated Government of Charlotte and Mecklenburg County:

We, the undersigned voters of the consolidated government, do hereby request that you submit to the voters of the consolidated government the question of whether to adopt amendments to the charter of The Consolidated Government of Charlotte and Mecklenburg County, as follows: (here, describe briefly but completely the proposed amendments, referring to sections of the charter that will be amended if the vote is in favor of amendment).

(c) The Council shall call a referendum to be held within 180 days after a resolution is passed or a valid petition is submitted. The Council shall cause notice of the referendum setting forth the details of the resolution or petition to be published in a newspaper in the county twice weekly for a period of three weeks prior to the referendum. The referendum may be held at any regular consolidated government election, any county-wide election or any special election called for that purpose.

The form of the ballot shall be substantially as follows:

() FOR (briefly describe the proposal)

() AGAINST (briefly describe the proposal)

(d) If a majority of the votes cast shall be in favor of the proposal, the proposal shall take effect as follows:

(1) If the referendum is held in an even-numbered year or on or before June 15 in an odd-numbered year, the effective date shall be the first Monday following the January 1 following the next regular consolidated government election;

(2) If the referendum is held after June 15 in an odd-numbered year, the effective date shall be the first Monday following the January 1 following the next regular consolidated government election occurring in the next odd-numbered year.

At the election preceding the effective date, the candidates shall be elected in accordance with the approved proposal for a change in form or structure of the government.

Sec. 12-3. *Plan to continue for two years.* If the charter is amended in the manner set forth in this article, the amendment shall continue in effect until at least the Monday following the second January 1 following its effective date, and no change of any amended portion of this charter shall take effect during that time if the change is made under this article.

Sec. 12-4 through 12-7. Reserved.

Article 2. Charter Revision Commission

Sec. 12-8. *Charter Revision Commission established.* (a) There shall be a Charter Revision Commission. It shall consist of 24 members, twelve appointed by the Council, one from each electoral district, and twelve appointed at large by the Mayor.

The Council shall make six of its initial appointments for two-year terms and six for four-year terms, and the Mayor shall make six of his initial appointments for two-year terms and six for four-year terms. Thereafter, all members shall be appointed to four-year terms. Terms shall begin on March 1.

To be eligible for appointment to and membership on the Commission, persons must be qualified voters of the consolidated government. The appointing authority shall fill vacancies in the Commission for the remainder of the unexpired term. The Council shall set the compensation and allowances, if any, to be paid to members of the Commission.

(b) At its initial meeting and in March of each subsequent year, the Commission shall elect a chairman and may elect other officers. A majority of the members of the Commission shall constitute a quorum. The Commission may determine its own rules of procedure.

Sec. 12-9. *Commission's duties.* The Commission shall consider, report on and make recommendations to the Mayor or Council on any matters relating to this charter on which the Mayor or Council seeks the Commission's advice and consultation. The Commission may hold public hearings and receive testimony concerning the desirability or necessity for any amendments. In making its recommendations, the Commission shall state the reasons for a proposed amendment and recommend the amendment should be submitted to a vote under the provisions of article 1 of this chapter or be accomplished by action of the General Assembly of North Carolina giving reasons for its recommendations.

CHAPTER 13. CONTINUATION AND TRANSITION

Article 1. Continuation

Sec. 13-1. *Continuation of ordinances and regulations.* All ordinances and resolutions of Mecklenburg County, the City of Charlotte and any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville that elect not to continue as separate municipalities that are in force immediately before the effective date of this charter and that are not inconsistent with this charter continue in full force and effect within the area in which they applied. They become ordinances and resolutions of the consolidated government and shall continue in force until repealed or amended by the Council. All orders,

rules and regulations made by any officer, agency, board, commission or authority of Mecklenburg County, the City of Charlotte or any of the towns that elect not to continue as separate municipalities that are in force immediately before the effective date of this charter and that are not inconsistent with this charter also continue in force within the area in which they applied until repealed or amended by the appropriate officer, agency, board, commission or authority of the consolidated government.

Sec. 13-2. *Continuation of hearings and proceedings.* All petitions, hearings and other proceedings pending before any officer, office, department, agency, board, commission or authority

of Mecklenburg County, the City of Charlotte or any of the towns that elect not to continue as separate municipalities continue and remain in full force and effect, even if the officer, office, department, agency, board, commission or authority has been abolished or consolidated by this charter. The petition, hearing, or proceeding shall be completed by the officer, office, department, agency, board, commission or authority of the consolidated government that succeeds to the powers, duties, rights, privileges and immunities of the abolished or consolidated agency.

Sec. 13-3. *Transfer of assets and liabilities.* On the effective date of this charter: (a) All property, real and personal and mixed, belonging to Mecklenburg County, the City of Charlotte and any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville that elect not to continue as separate municipalities vests in, belongs to and is the property of the consolidated government.

(b) All judgments, liens, rights of liens and causes of action of any nature in favor of any of the governments listed in subsection (a) vest in and remain and inure to the benefit of the consolidated government.

(c) All rentals, taxes, assessments and any other funds, charges or fees owing to any of the governments listed in subsection (a) are owed to and may be collected by the consolidated government.

(d) Any action, suit, or proceeding pending against, or having been instituted by, any of the governments listed in subsection (a) shall not be abated by this charter or by consolidation, but shall be continued and completed in the same manner as if consolidation had not occurred. The consolidated government shall be a party to all these actions, suits and proceedings in the place and stead of the government and shall pay or cause to be paid any judgment rendered against the government in any of these actions, suits or proceedings. No new process need be served in any of the actions, suits or proceedings.

(e) All obligations of the governments listed in subsection (a), including outstanding indebtedness, is assumed by the consolidated government, and all the obligations and outstanding indebtedness are constituted obligations and indebtedness of the consolidated government. The full faith and credit of the consolidated government is deemed to be pledged for the punctual payment of the principal of and interest on all general obligation

bonds and bond anticipation notes of the listed governments, and all the taxable property within the consolidated government shall be and remain subject to taxation for these payments.

Sec. 13-4. *Continuation of officers.* Except as otherwise provided in this charter, all officers, departments, agencies, boards, commissions and authorities of Mecklenburg County, the City of Charlotte and any of the towns that elect not to continue as separate municipalities shall continue to perform their respective functions after the effective date of this charter, until their successors have been appointed or provided for by the consolidated government.

Sec. 13-5. *Continuation of employees.* On the effective date of this charter, all employees of the governments of Mecklenburg County, the City of Charlotte and any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville that elect not to continue as separate municipalities become employees of the consolidated government.

No employee may sustain any loss of benefits on account of consolidation of the former governments. Each employee is entitled to at least the same salary and the same rights, benefits, privileges and opportunities that he had as an employee of any of the consolidating governments. However, no employee of an abolished government has promotion rights, benefits, privileges or opportunities solely by virtue of the personnel policies of that government, and the promotion rights of each employee of the consolidated government are subject to personnel ordinances, resolutions or other actions taken by the Council.

The Council shall determine all questions, issues and interpretations arising under this section, but it may not take any action that will impair or diminish the rights, benefits, privileges and opportunities of any employee of the consolidating governments under any retirement, pension or other benefit plan in effect immediately before the effective date of this charter.

Sec. 13-6. *Officers and offices of boards and agencies.* Except as otherwise provided in this charter, the officers, members and employees of all agencies, boards, commissions and authorities continue as officers, members and employees of those agencies, boards, commissions and authorities and shall continue to perform the duties and enjoy the powers, rights, privileges and immunities they possessed immediately prior to the effective date of this charter. Nothing in this sec-

tion impairs the authority of the consolidated government with respect to those boards, commissions, authorities and agencies or to any of their officers, members or employees.

Article 2. Transition Schedule

Sec. 13-7. *Initial elections.* (a) After December 21, 1971, and before February 8, 1972, each person offering himself as a candidate for his party's nomination to the office of Mayor or for initial membership on the Council shall file a notice of candidacy with the Board of Elections in the form prescribed by section 9-5 of this charter.

(b) The initial primary elections of each party shall be held on March 13, 1972, to nominate one candidate for the office of Mayor and one candidate for each seat on the Council. The persons receiving the highest number of votes for each office shall be the nominees of their parties for those offices.

(c) The initial general election for the office of Mayor and for membership on the Council shall be held on April 24, 1972.

(d) The successful candidates for the office of Mayor and for initial membership on the Council shall assume office on August 15, 1972. The successful candidate for the office of Mayor shall serve a term ending January 5, 1976. The three initial members elected at large who receive the largest number of votes shall serve until January 5, 1976, and the other three initial members elected at large shall serve until January 7, 1974. The initial district members elected from odd-numbered districts shall serve until January 5, 1976, while those elected from even-numbered districts shall serve until January 7, 1974. After the initial election, elections shall be held at the times set forth in section 9-4 of this charter.

Sec. 13-8. *Transitional budgets for 1972-1973.* The 1972-73 budgets as adopted by Mecklenburg County, the City of Charlotte, and any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville that elect not to continue as separate municipalities shall be administered in accordance with their terms by the Council and officers of the consolidated government. Appropriations in the budget for 1972-73 as adopted by each merging municipality shall be expended as provided in that budget and for the benefit of the citizens within the territory comprising that municipality immediately before the effective date of this charter. The Council may, however, amend the 1972-73 budget of each merging government

as adopted by that government before the effective date of this charter in any manner and for any purpose for which an amendment could have been made by the governing body of the merging government in the absence of consolidation.

Budgets of the consolidated government for 1973-74 and subsequent fiscal years shall be adopted and administered as provided in chapter 8 of this charter.

Sec. 13-9. *Transition Commission.* (a) There shall be a Consolidation Transition Commission. It shall consist of the Mayor and Mayor Pro Tempore of the City of Charlotte, the Chairman of the Board of County Commissioners of Mecklenburg County, and one member of the minority party in the Board of County Commissioners selected by the members of that party serving on the Board. The City Council of Charlotte and the Board of County Commissioners of Mecklenburg County shall jointly set and pay the compensation and allowances, if any, to be paid to members of the Commission. The Transition Commission shall expire on September 15, 1972.

(b) The Transition Commission shall meet within 45 days after the enactment of this charter. At its first meeting, the Transition Commission shall elect a chairman and may elect other officers, and shall adopt its rules of procedure.

(c) The Transition Commission shall consider, report on and make recommendations to the governing boards of the merging governments and the Mayor and Council of the consolidated government on all matters relating to the transition to consolidation and the form and structure of the consolidated government's administration.

(d) The City Council and Board of County Commissioners each shall appropriate to the Transition Commission adequate funds for the Commission's performance of its duties.

Sec. 13-10. *Transition and cooperation.* After this charter is enacted by the General Assembly of North Carolina and until its effective date, the officers and employees of the City of Charlotte and Mecklenburg County and of any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville that elect not to continue as separate municipalities shall cooperate with the Commission and each other in bringing about an orderly consolidation.

Sec. 13-11. *Effective date.* The Consolidated Government of Charlotte and Mecklenburg County will become effective August 15, 1972.

CHAPTER 14 DISTRICT BOUNDARIES

Article 1. Council Electoral Districts

Sec. 14-1. *Districts described.* The twelve Council electoral districts provided for in chapter 2, article 1, section 2-1 of this charter are initially defined as having these boundaries:

DISTRICT ONE: Beginning at the point where U. S. Highway 29 crosses the Mecklenburg-Cabarrus County line, southwest to Mallard Creek; west and northwest along Mallard Creek and southwest along Mallard Creek extension to the Southern Railway; southeast along the Southern Railway and south along the Southern Railway to Interstate 85; west along Interstate 85 to Irwin Creek; north along Irwin Creek to Chester drive; west along the rear property line of the houses on the north side of Chester Drive to Beatties Ford Road; north along Beatties Ford Road to the Charlotte City Limits; west and south along the Charlotte City Limit line to Interstate 85; southwest on Interstate 85 to N. C. Highway 16; northwest along N. C. Highway 16 to the Mecklenburg-Gaston County line; north along Mecklenburg-Gaston County line to the Mecklenburg-Lincoln County line; north along the Mecklenburg-Lincoln County line to the Mecklenburg-Iredell County line; east along the Mecklenburg-Iredell County line to the Mecklenburg-Cabarrus County line; southeast along the Mecklenburg-Cabarrus County line to the point where U. S. Highway 29 crosses.

DISTRICT TWO: Beginning at the point where Providence Road (N. C. Highway 16) crosses the Mecklenburg-Union County line, north along Providence Road to McAlpine Creek; northeast along McAlpine Creek to Monroe Road; north on Monroe Road to the Seaboard Air Line Railroad; northwest along the Seaboard Air Line Railroad to Rama Road; northeast along Rama Road to Idlewild Road; east along Idlewild Road to Campbell Creek; north along Campbell Creek to Hickory Grove Road; east on Hickory Grove Road to Pence Road; northeast on Pence Road to Market Street; north on Market Street and Plott Road to Plaza Road; northwest along Plaza Road to Newell-

Hickory Grove Road; north along Newell-Hickory Grove Road to Orr Road; north along Orr Road to Old Concord Road; north along Old Concord Road to Rocky River (Doby Creek) Road; northwest along Rocky River (Doby Creek) Road to U. S. Highway 29; south along U. S. Highway 29 to Interstate 85; west along Interstate 85 to Southern Railway; northwest along Southern Railway to the extension of Mallard Creek; northeast and east along Mallard Creek to U. S. Highway 29; northeast along U. S. Highway 29 to the Mecklenburg-Cabarrus County line; southeast along the Mecklenburg-Cabarrus County line to the Mecklenburg-Union County line; southwest along the Mecklenburg-Union County line to the point where Providence Road (N. C. Highway 16) crosses.

DISTRICT THREE: Beginning at the point where the Charlotte zoning perimeter line crosses McMullen Creek, northeast along McMullen Creek to Sharon View Road; west on Sharon View Road to Sharon Road; north on Sharon Road to Sharon Lane; north and northeast on Sharon Lane to Providence Road; northwest along Providence Road to Briar Creek; north along Briar Creek to Randolph Road; northwest on Randolph Road to Laurel Avenue; west on Laurel Avenue to Providence Road; northwest on Providence Road to East Third Street; northwest on East Third Street to Queens Road; southwest on Queens Road to Henley Place; west on Henley Place to East Morehead Street; northwest on East Morehead Street to Euclid Avenue; southwest on Euclid Avenue to East Boulevard; northwest on East Boulevard to the Southern Railway; southwest on the Southern Railway to Remount Road; east on Remount Road to Ideal Way; east on Ideal Way to McDonald Avenue; south and southeast on McDonald Avenue to Park Road; south on Park Road to Princeton Avenue; east on Princeton Avenue to Sugar Creek; south along Sugar Creek to Park Road; south, east and south on Park Road to the Charlotte zoning perimeter line; southeast along the Charlotte zoning perimeter line to the point where McMullen Creek crosses.

DISTRICT FOUR: Beginning at the point where N. C. Highway 16 crosses the Mecklenburg-Gaston County line, southeast on N. C. Highway 16 to Oakdale Road; south on Oakdale Road to Old Mt. Holly Road; northwest on Old Mt. Holly Road to Hovis Road; south on Hovis Road to Forsythia Interurban Avenue; southwest on Forsythia Interurban Avenue to Forsythia Circle; southeast and south on Forsythia Circle to Thrift Road; southeast on Thrift Road to Interstate 85; southwest and west on Interstate 85 to Little Rock Road; southwest on Little Rock Road to Old Gastonia (Old Dowd) Road; west on Old Gastonia (Old Dowd) Road to Wallace Neal Road; south on Wallace Neal Road to Dixie Road; south on Dixie Road to Byrum Road; northeast on Byrum Road to Wilmount Road; south on Wilmount Road to Beam Road, south on Beam Road to York Road; south on York Road to Arrowood Road; southeast and northeast on Arrowood Road to Old Pineville Road; south on Old Pineville Road to Pineville Road; south on Pineville Road to Sharon Road West; east on Sharon Road West to Park Road; south on Park Road to the Charlotte zoning perimeter line; southeast along the Charlotte zoning perimeter line to McMullen Creek; northeast along McMullen Creek to Sharon View Road; southeast on Sharon View Road to Old Providence Road; south on Old Providence Road to McAlpine Creek; northeast along McAlpine Creek to Providence Road (N. C. Highway 16); south on Providence Road to Mecklenburg-Union County line; southwest along Mecklenburg-Union County line to the Mecklenburg-South Carolina line; northwest and southwest and north along the Mecklenburg-South Carolina line to the Mecklenburg-Gaston County line; north along the Mecklenburg-Gaston County line to the point where N. C. Highway 16 crosses.

DISTRICT FIVE: Beginning at the junction of Pence Road and Market Street, north along Market Street to Plott Road; north along Plott Road to Plaza Road; northwest on Plaza Road to Newell-Hickory Grove Road; north on Newell-Hickory Grove Road to Orr Road; north on Orr Road to Old Concord Road; north on Old Concord Road to Rocky River Road; northwest on Rocky River (Doby Creek) Road to U. S. Highway 29; south on U. S. Highway 29 to Interstate 85; west on Interstate 85 to Sugar Creek; south on Sugar Creek to Southern Railway Atando Connector; south along Atando Connector to Southern Railway; northeast on Southern Railway to Sugar

Creek Road; south on Sugar Creek Road to The Plaza; northeast on The Plaza to the Norfolk and Southern Railway; southeast on the Norfolk and Southern Railway to Eastway Drive; south on Eastway Drive to Kilborne Drive; southeast on Kilborne Drive to Enfield Road; east on Enfield Road to Sudbury Road; north and east on Sudbury Road to Sharon-Amity Road; northeast on Sharon-Amity Road to Hickory Grove Road; east on Hickory Grove Road to Pence Road; northeast on Pence Road to Market Street.

DISTRICT SIX: Beginning at the intersection of The Plaza and Sugar Creek Road, northeast on The Plaza to the Norfolk and Southern Railway; southeast on the Norfolk and Southern Railway to Eastway Drive; south on Eastway Drive to Kilborne Drive; southeast on Kilborne Drive to Enfield Road; east on Enfield Road to Sudbury Road; north and east on Sudbury Road to Sharon-Amity Road; northeast on Sharon-Amity Road to Hickory Grove Road; east on Hickory Grove Road to Campbell Creek; south along Campbell Creek to Albemarle Road; southwest on Albemarle Road to Independence Boulevard; west on Independence Boulevard to Briar Creek; southwest along Briar Creek to the Seaboard Air Line Railroad; northwest along Seaboard Air Line Railroad to Central Avenue; west on Central Avenue to Hawthorne Lane; north on Hawthorne Lane to Parkwood Avenue; east on Parkwood Avenue to The Plaza; northeast on The Plaza to the intersection with Sugar Creek Road.

DISTRICT SEVEN: Beginning at the point where Albemarle Road crosses Campbell Creek, southwest on Albemarle Road to Independence Boulevard; west on Independence Boulevard to Briar Creek; southwest along Briar Creek to the Seaboard Air Line Railroad; southeast along the Seaboard Air Line Railroad to McAlway Road; southwest on McAlway Road to Beal Street; west on Beal Street to Ellington Street; north on Ellington Street to Billingsley Road; west on Billingsley Road to Randolph Road; southeast on Randolph Road to Meadowbrook Road; west along the rear property line of the houses on the north side of Meadowbrook Road and continuing on that line to Briar Creek; southwest along Briar Creek to Providence Road; southeast on Providence Road to Sharon Lane; southwest on Sharon Lane to Sharon Road; southwest on Sharon Road to Sharon View Road; east and southeast on Sharon View Road to Old Providence Road; south on Old Providence Road to McAlpine Creek; north-

east along McAlpine Creek to Monroe Road; north on Monroe Road to Seaboard Air Line Railroad; northwest along Seaboard Air Line Railroad to Rama Road; northeast on Rama Road to Idlewild Road; east on Idlewild Road to Campbell Creek; north along Campbell Creek to Albemarle Road.

DISTRICT EIGHT: Beginning at the junction of the Southern Railway and Remount Road, east on Remount Road to Ideal Way; east on Ideal Way to McDonald Avenue; south and southeast on McDonald Avenue to Park Road; south on Park Road to Princeton Avenue; east on Princeton Avenue to Sugar Creek; south along Sugar Creek to Park Road; south, east and south on Park Road to Sharon Road West; west on Sharon Road West to Pineville Road; north on Pineville Road to Old Pineville Road; north on Old Pineville Road to County Road 1302; east on County Road 1302 to Southern Railway; north on Southern Railway to Remount Road.

DISTRICT NINE: Beginning at the intersection of Central Avenue and Hawthorne Lane, north on Hawthorne Lane to Parkwood Avenue; east on Parkwood Avenue to The Plaza; northeast on The Plaza to Sugar Creek Road; north on Sugar Creek Road to the Southern Railway; southwest along the Southern Railway to the Southern Railway Atando Connector; north along the Atando Connector to Sugar Creek; north along Sugar Creek to Interstate 85; southwest on Interstate 85 to Beatties Ford Road; south on Beatties Ford Road to Russell Avenue; east on Russell Avenue and Russell Avenue extended to Irwin Creek; south along Irwin Creek to Oaklawn Avenue; east on Oaklawn Avenue to Statesville Avenue; south on Statesville Avenue to Southern Railway; southwest along Southern Railway to Seaboard Air Line Railroad; southeast along Seaboard Air Line Railroad to Sugar Creek; south and southwest along Sugar Creek to Tenth Street; east on Tenth Street and Central Avenue to Hawthorne Lane.

DISTRICT TEN: Beginning at the junction of the Seaboard Air Line Railroad and McAlway Road, northwest along the Seaboard Air Line Railroad to Central Avenue, west on Central Avenue and Tenth Street to Sugar Creek; north and northeast along Sugar Creek to the Seaboard Air Line Railroad; northwest along the Seaboard Air Line Railroad to the Southern Railway; northeast along the Southern Railway to Statesville Avenue; north on Statesville Avenue to Oaklawn Avenue; west on Oaklawn Avenue to Irwin Creek;

north along Irwin Creek to a point which would be the extension of Russell Avenue; west along the Russell Avenue extended line and Russell Avenue to Beatties Ford Road; south on Beatties Ford Road to the Seaboard Air Line Railroad; northwest along the Seaboard Air Line (and Piedmont and Northern) Railroad to Stewart Creek; south along Stewart Creek to West Trade Street; southeast on West Trade Street to Irwin Creek; southwest along Irwin Creek to West Boulevard; southeast on West Boulevard to East Boulevard; southeast on East Boulevard to Euclid Avenue; northeast on Euclid Avenue to East Morehead Street; southeast on East Morehead Street to Henley Place; east on Henley Place to Queens Road; north on Queens Road to East Third Street; southeast on East Third Street to Providence Road; south on Providence Road; to Laurel Avenue; northeast on Laurel Avenue to Randolph Road; southeast on Randolph Road to Briar Creek; south on Briar Creek to the line running from the rear property line on the north side of Meadowbrook Road; east along the rear property line of the houses on the north side of Meadowbrook Road to Randolph Road; north on Randolph Road to Billingsley Road; east on Billingsley Road to Ellington Street; south on Ellington Street to Beal Street; east on Beal Street to McAlway Road; northeast on McAlway Road to the junction with the Seaboard Air Line Railroad.

DISTRICT ELEVEN: Beginning at the intersection of Interstate 85 and N. C. Highway 16, southwest on Interstate 85 to the Piedmont and Northern Railroad; southeast along the Piedmont and Northern Railroad to State Street; west on State Street to Berryhill Road; southwest on Berryhill Road to Freedom Drive; northwest on Freedom Drive to Camp Greene Street; south on Camp Greene Street to Wilkinson Boulevard; east on Wilkinson Boulevard to Remount Road; south on Remount Road to West Boulevard; southwest on West Boulevard to Irwin Creek; south and southwest along Irwin Creek to the Southern Railway Crossline; southeast along the Southern Railway Crossline to York Road; northeast on York Road to Woodlawn Road; southeast on Woodlawn Road to the Southern Railway; south on the Southern Railway to County Road 1302; west on County Road 1302 to Old Pineville Road; south on Old Pineville Road to Arrowood Road; southwest and northwest on Arrowood Road to York Road; north on York Road to Beam

Road; north on Beam Road to Wilmount Road; northwest on Wilmount Road to Byrum Road; southwest on Byrum Road to Dixie Road; north on Dixie Road to Wallace Neal Road; north on Wallace Neal Road to Old Gastonia (Old Dowd) Road; northeast on Old Gastonia (Old Dowd) Road to Little Rock Road; northeast on Little Rock Road to Interstate 85; northeast on Interstate 85 to Thrift Road; northwest on Thrift Road to Forsythia Circle; north and northwest on Forsythia Circle to Forsythia Interurban Avenue; northeast on Forsythia Interurban Avenue to Hovis Road; north on Hovis Road to Old Mt. Holly Road; southeast on Old Mt. Holly Road to Oakdale Road; north on Oakdale Road to N. C. Highway 16; southeast on N. C. Highway 16 to Interstate 85.

DISTRICT TWELVE: Beginning at the intersection of Woodlawn Road and the Southern Railway, northeast along the Southern Railway to West Boulevard; northwest on West Boulevard to Irwin Creek; north along Irwin Creek to West Trade Street; northwest on West Trade Street to Stewart Creek; north along Stewart Creek to the Seaboard Air Line (and Piedmont and Northern) Railroad; southeast along the Seaboard Air Line (and Piedmont and Northern) Railroad to Beatties Ford Road; north on Beatties Ford Road to Interstate 85; northeast on Interstate 85 to Irwin Creek; north along Irwin Creek to Chester Drive; west along the rear property line of the houses on the north side of Chester Drive to Beatties Ford Road; north on Beatties Ford Road to Charlotte City Limit line; west and south along Charlotte City Limit line to

Interstate 85; southwest on Interstate 85 to Piedmont and Northern Railroad; southeast along Piedmont and Northern Railroad to State Street; west on State Street to Berryhill Road; southwest on Berryhill Road to Freedom Drive; northwest on Freedom Drive to Camp Greene Street; south on Camp Greene Street to Wilkinson Boulevard; east on Wilkinson Boulevard to Remount Road; south on Remount Road to West Boulevard; southwest on West Boulevard to Irwin Creek; south and southwest along Irwin Creek to Southern Railway Crossline; southeast along Southern Railway Crossline to York Road; northeast on York Road to Woodlawn Road; southeast on Woodlawn Road to the Southern Railway.

Article 2. School Electoral Districts

Sec. 14-2. *School districts described.* The six electoral districts provided for the Charlotte-Mecklenburg Board of Education in chapter 6, article 1, section 6-1 of this charter are initially defined as having these boundaries:

SCHOOL BOARD DISTRICT A: Council Electoral Districts Nine and Ten.

SCHOOL BOARD DISTRICT B: Council Electoral Districts Two and Five.

SCHOOL BOARD DISTRICT C: Council Electoral Districts Six and Seven.

SCHOOL BOARD DISTRICT D: Council Electoral Districts Three and Eight.

SCHOOL BOARD DISTRICT E: Council Electoral Districts One and Four.

SCHOOL BOARD DISTRICT F: Council Electoral Districts Eleven and Twelve.

CHAPTER 15. INTENT AND SEPARABILITY

Sec. 15-1. *Intent and separability.* The people residing within the area of the consolidated government declare that by the adoption of this charter it is their intent to consolidate the governmental and corporate functions of the County of Mecklenburg, City of Charlotte and any of the towns of Cornelius, Davidson, Huntersville, Matthews and Pineville that elect not to continue as separate municipalities, so that the consolidating

governments may be operated as one governmental entity in the interest of modern, efficient and economical, responsive and responsible democratic government. This charter shall continue in full force and effect even if any of its separable provisions not essential to this objective is held unconstitutional or void, and each provision of this charter is separable from each other provision.

APPENDIX. COMPANION LEGISLATION

I. Consolidated Counties Act

[Authorizes by general law the definition of special taxing areas in consolidated counties and establishes taxing limitations and debt limitations and procedures for consolidated counties and special taxing areas. Must be general law for constitutional reasons.]

A BILL TO BE ENTITLED AN ACT TO DEFINE CONSOLIDATED COUNTIES; TO AUTHORIZE THE GOVERNING BOARDS OF CONSOLIDATED COUNTIES TO DEFINE, EXTEND, CONSOLIDATE AND ABOLISH URBAN SERVICE DISTRICTS; TO AUTHORIZE THE GOVERNING BOARDS OF CONSOLIDATED COUNTIES TO LEVY TAXES WITHIN URBAN SERVICE DISTRICTS; AND TO SET FORTH THE DEBT LIMITS AND PROCEDURES FOR CONSOLIDATED COUNTIES.

The General Assembly of North Carolina do enact:

Sec. 1. Chapter 153 of the General Statutes of North Carolina is amended by adding thereto a new article to read as follows:

"Article . Urban Service Districts in Consolidated Counties

PART 1. TITLE AND DEFINITION

"Sec. 153- . *Title.* This Act shall be cited as the 'Consolidated Counties Act of 1971.'

"Sec. 153- . *Definitions.* In this article: (a) 'Consolidated county' means any county where the largest municipality in the county has been abolished and its powers, duties, rights, privileges and immunities consolidated with those of the county. Other municipalities in the county may or may not have been abolished and their powers, duties, rights, privileges and immunities consolidated with those of the county.

(b) 'Council' means the governing board of a consolidated county.

PART 2. DEFINING URBAN SERVICE DISTRICTS

"Sec. 153- . *Authority; purpose of districts.* The council may define any number of ur-

ban service districts in order to finance, provide or maintain for the districts services, facilities and functions in addition to or to a greater extent than those financed, provided or maintained for the entire consolidated county.

"Sec. 153- . *Definition of urban service districts to replace municipalities abolished at the time of consolidation.* The council, by resolution, may define an urban service district within the boundaries of the largest municipality that existed in the county before consolidation and within the boundaries of any other municipality abolished at the time of the establishment of the consolidated county. Any urban service district so defined shall comprise the total area of the abolished municipality as it existed immediately before the effective date of consolidation. The resolution shall take effect upon its adoption.

"Sec. 153- . *Definition of urban service districts to replace municipalities abolished subsequent to consolidation.* The council, by resolution may define an urban service district within the boundaries of any municipality within the consolidated county the citizens of which, subsequent to the establishment of the consolidated county, have voted in a referendum to abolish their municipality and consolidate its powers, duties, rights, privileges and immunities with those of the consolidated county. An urban service district so defined shall comprise the total area of the municipality as it existed immediately before the effective date of its abolition. The resolution shall take effect at the beginning of the fiscal year next occurring after its adoption.

"Sec. 153- . *Definition of urban service districts where no municipality existed.* (a) Standards.—The council, by resolution, may define an urban service district upon finding that a proposed district:

- (1) has a resident population of at least 1,000;
- (2) has a resident population density of at least one person per acre;
- (3) has an assessed valuation of at least two and one-half million dollars;

(4) requires one or more of the services, facilities and functions that are provided or maintained only or to a greater extent for an urban service district; and

(5) does not include any territory within an active incorporated municipality.

(b) Report.—Prior to the public hearing required by subsection (c), the consolidated county shall prepare a report containing:

(1) a map of the proposed district, showing its proposed boundaries;

(2) a statement showing that the proposed district meets the standards of subsection (a); and

(3) a plan for providing urban services, facilities and functions for the district.

The report shall be available in the office of the consolidated county's clerk for at least two weeks prior to the date of the public hearing.

(c) Hearing and notice.—The council shall hold a public hearing prior to adoption of any resolution defining a new urban service district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (b) is available for inspection in the office of the consolidated county's clerk. The notice shall be published in a newspaper of general circulation in the county at least once a week for four successive weeks prior to the date of the hearing. In addition it shall be mailed at least four weeks prior to the date of the hearing to the owners as shown by the tax records of the consolidated county of all property located within the proposed district. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed and his certificate shall be conclusive in the absence of fraud. The hearing may be held within the proposed district.

(d) Effective date.—The resolution defining an urban service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the council.

"Sec. 153. *Extension of urban service districts.* (a) Standards.—The council, by resolution, may extend by annexation the boundaries of any urban service district upon finding that:

(1) the area to be annexed is contiguous to the district, with at least one

eighth of the area's aggregate external boundary coincident with the existing boundary of the district;

(2) the area to be annexed has a resident population density of at least one person per acre and an assessed valuation of at least \$1,000 per resident person; or the area to be annexed is so developed that at least sixty per cent of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional or governmental purposes and at least sixty per cent of the total acreage of the area at the time of annexation is devoted to these uses; and

(3) the area to be annexed requires the services, facilities or functions that are provided for the contiguous urban service district.

(b) Annexation by petition.—The council also, by resolution, may extend by annexation the boundaries of any urban service district when one hundred per cent of the real property owners of the area to be annexed have petitioned the council for annexation to the service district.

(c) Report.—Prior to the public hearing required by subsection (d), the consolidated county shall prepare a report containing:

(1) a map of the urban service district and the adjacent territory, showing the present and proposed boundaries of the district;

(2) a statement showing that the area to be annexed meets the standards of subsection (a) or comes before the council by petition as provided by subsection (b); and

(3) a plan for extending urban services, facilities and functions to the area to be annexed.

The report shall be available in the office of the consolidated county's clerk for at least two weeks prior to the date for the public hearing.

(d) Hearing and notice.—The council shall hold a public hearing prior to adoption of any resolution extending the boundaries of an urban service district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (c) is available for inspection in the office of the consolidated county's clerk. Notice shall be published in a news-

paper of general circulation in the county at least once a week for four successive weeks prior to the date of the hearing. In addition notice shall be mailed at least four weeks prior to the date of the hearing to the owners as shown by the tax records of the consolidated county of all property located within the area to be annexed. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(e) *Effective date.*—The resolution extending the boundaries of the district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the council.

(f) A consolidated county may not utilize the procedures of this section to annex to an urban service district territory within the boundaries of an active incorporated municipality.

“Sec. 153- . *Consolidation of urban service districts.* (a) *Standards.*—The council, by resolution, may consolidate two or more urban service districts upon finding that:

(1) the districts are contiguous or are in a continuous boundary; and

(2) the provision or maintenance of urban services, facilities and functions for each of the districts is substantially the same; or

(3) if the provision or maintenance of urban services, facilities and functions is lower for one of the districts, there is a need to increase those services, facilities and functions for that district. However, no urban service district providing electric or telephone services may be consolidated with any other urban service district unless the voters of the district providing the utility service approve the consolidation in a referendum held for that purpose. Consolidated counties may hold these referendums.

(b) *Report.*—Prior to the public hearing required by subsection (c), the consolidated county shall prepare a report containing:

(1) a map of the districts to be consolidated;

(2) a statement showing the proposed consolidation meets the standards of subsection (a); and

(3) if necessary, a plan for increasing the urban services, facilities and functions for one of the districts so that they

are substantially the same throughout the consolidated district.

The report shall be available in the office of the consolidated county's clerk for at least two weeks prior to the date of the public hearing.

(c) *Hearing and notice.*—The council shall hold a public hearing prior to adoption of any resolution consolidating urban service districts. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (b) is available for inspection in the office of the consolidated county's clerk. Notice shall be published in a newspaper of general circulation in the county at least once a week for four successive weeks prior to the date of the hearing. In addition, if the services, facilities and functions for one of the districts will be substantially increased as a result of the consolidation, notice shall be mailed at least four weeks prior to the date of the hearing to the owners as shown by the tax records of the consolidated county of all property located within the district. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed and his certificate shall be conclusive in the absence of fraud.

(d) *Effective date.*—The consolidation of urban service districts shall take effect at the beginning of a fiscal year commencing after passage of the resolution of consolidation, as determined by the council.

“Sec. 153- . *Required provision or maintenance of services, facilities and functions.* (a) *New district.*—When a consolidated county defines a new urban service district, it shall provide or maintain the services, facilities and functions for which the residents of the district are being taxed within a reasonable time, not to exceed one year, after the effective date of the definition of the district.

(b) *Extended district.*—When a consolidated county annexes territory to an urban service district, it shall provide or maintain the services, facilities and functions provided or maintained throughout the district to the residents of the area annexed to the district within a reasonable time, not to exceed one year, after the effective date of the annexation.

(c) *Consolidated district.*—When a consolidated county consolidates two or more urban service districts, one of which has had provided or maintained a lower level of urban services, it

shall increase the services, facilities and functions within that district to a level comparable to those provided or maintained elsewhere in the consolidated district within a reasonable time, not to exceed one year, after the effective date of the consolidation.

"Sec. 153- . *Abolition of urban service districts.* Upon finding that there is no longer a need for a particular urban service district, the council, by resolution, may abolish that district. The council shall hold a public hearing prior to adoption of a resolution abolishing a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published in a newspaper of general circulation in the county at least once a week for four successive weeks prior to the date of the hearing. The abolition of any urban service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the council.

PART 3. LEVY OF TAXES IN URBAN SERVICE DISTRICTS

"Sec. 153- . *Taxes authorized; limits.* A consolidated county may levy the following taxes within defined urban service districts in addition to those levied throughout the county, in order to finance, provide or maintain for the districts services, facilities and functions in addition to or to a greater extent than those financed, provided or maintained for the entire county.

(a) Property taxes.—A consolidated county may levy within any urban service district a tax on property at a rate not to exceed one dollar and fifty cents on the one hundred dollars of assessed valuation. This rate limitation does not apply to property taxes levied (1) for debt service on general obligation bonds of the consolidated county, (2) for the support of the public schools or (3) for any purpose approved by a special vote of the people.

(b) Taxicab license tax.—A consolidated county may levy within any urban service district the taxicab license tax authorized in G.S. 20-97.

PART 4. DEBT LIMITS AND PROCEDURES OF CONSOLIDATED COUNTIES

"Sec. 153- . *Authority to issue general obligation bonds.* A consolidated county may issue its general obligation bonds for any purpose for which either county or municipal governments in North Carolina are authorized to issue bonds under the general laws of the State.

"Sec. 153- . *Procedure for issuing general obligation bonds.* In issuing its general obligation bonds, a consolidated county, except as expressly modified by this part, is subject to the provisions of the Local Government Act (G.S. Ch. 159), the County Finance Act (Art. 9 of G.S. Ch. 153), the Municipal Fiscal Agency Act (Art. 31 of G.S. Ch. 160), and the Municipal Bond Registration Act (Art. 32 of G.S. Ch. 160).

In applying the provisions of the County Finance Act to a consolidated county, the terms "governing body" or "governing board" or "board of county commissioners" mean the council; the term "chairman of the board of county commissioners" means the mayor of the consolidated county; and the terms "clerk" or "clerk of board of commissioners" mean the clerk to the council.

Maturities of bonds issued by a consolidated county shall be those stipulated by the County Finance Act or the Municipal Finance Act for the purpose of the issue, whichever is longer, or as set by the North Carolina Local Government Commission if neither Act sets a maximum maturity for the purpose.

If a proposed bond issue is required by law to be submitted to and approved by the voters of the consolidated government, and if the proceeds of the proposed bond issue are to be used in connection with a service, facility or function that is or, if the bond issue is approved, will be financed, provided or maintained only for one or more urban service districts, the proposed bond issue must be approved concurrently by a majority of those voting throughout the entire consolidated government and by a majority of the total of those voting in all the affected or to be affected urban service districts.

"Sec. 153- . *Debt limitations.* The net indebtedness in the form of general obligations of a consolidated county for school purposes may not exceed eight per cent of the assessed valuation of taxable property in the county. The net indebtedness in the form of general obligations of the consolidated county for all purposes other than for schools or water, sewerage, gas and electric purposes may not exceed eight per cent of the assessed valuation of taxable property in the county. No other debt limitations applying to counties and municipalities in North Carolina apply to a consolidated county.

In applying these limitations within the procedures set out in the County Finance Act, the following amendments to that Act are deemed

to have been made:

(a) G.S. 153-84(2) reads: 'Outstanding debt for purposes other than for schools or water, sewerage, gas and electric purposes.'

(b) G.S. 153-84(3) reads: 'Bonded debt to be incurred for other than schools or water, sewerage, gas and electric purposes and under orders either passed or introduced.'

(c) G.S. 153-84(9) reads: 'Net debt for other than schools or water, sewerage, gas and electric purposes, being the sum by which subdivision "(4)" exceeds subdivision "(8)".'

(d) G.S. 153-84(10) reads: 'The percentage that the net debt for all purposes other than for schools or water, sewerage, gas and electric purposes bears to the assessed valuation.'

(e) G.S. 153-87 reads: 'On the day so fixed for the public hearing, but not earlier than ten days after the first publication of the order, the council shall hear any citizen or taxpayer who may desire to protest the issuance of the bonds. The hearing may be adjourned from time to time. After the hearing, the council may pass the order in the form of its introduction, or in an amended form, but the amount of bonds to be issued may not be increased by any amendment, nor the purpose of issuance substantially changed, without due notice and hearing as above required. No order for the issuance of school bonds may be passed unless it appears from the sworn statement that the net school indebtedness does not exceed eight per cent of the assessed valuation, unless the bonds to be issued are funding or refunding bonds. No order may be passed for the issuance of bonds for any purpose other than for schools or water, sewerage, gas and electric purposes unless it appears from the sworn statement that the net indebtedness for all purposes, other than for schools or water, sewerage, gas and electric purposes, does not exceed eight per cent of the assessed valuation, unless the bonds to be issued are funding or refunding bonds.'

"Sec. 153- . *Authority to issue revenue bonds.* Any consolidated county may issue revenue bonds under the provisions of the Revenue Bond Act of 1938 (Art. 34, G.S. Ch. 160) and any other general law that at or after the effective date of this Act authorizes counties and municipalities in North Carolina to issue revenue bonds."

Sec. 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be

given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 4. This Act is effective July 1, 1973.

II. Miscellaneous Amendments

[Amends several general laws and local acts to accord their provisions with the structure of the consolidated government.]

A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN GENERAL STATUTES AND LOCAL ACTS AS THEY APPLY TO THE CONSOLIDATED GOVERNMENT OF CHARLOTTE AND MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G.S. 44-51.8 is amended by adding the word "Mecklenburg" between the words "Madison" and "Mitchell" so that G.S. 44-51.8 shall read as follows:

"Sec. 44-51.8. *Counties to which article applies.* —The provisions of this article shall apply only to Anson, Bladen, Brunswick, Buncombe, Caldwell, Caswell, Catawba, Columbus, Davidson, Edgecombe, Forsyth, Franklin, Gaston, Granville, Greene, Guilford, Halifax, Hertford, Hoke, Johnston, Jones, Lee, Lenoir, Lincoln, Madison, Mecklenburg, Mitchell, Montgomery, Moore, Nash, Onslow, Pasquotank, Person, Pitt, Richmond, Robeson, Rockingham, Scotland, Vance, Warren, Watauga, Wilkes, Wilson and Yancey counties."

[Brings Mecklenburg under 1969 law authorizing garnishment to enforce liens for publicly owned ambulance services.]

Sec. 2. G.S. 67-31(1) is amended by adding at the end thereof, "Dog wardens appointed in Mecklenburg County shall not have the power of arrest.", so that G.S. 67-31(1) shall read as follows:

"Sec. 67-31. *Powers and duties of dog warden.* —The powers and duties of the county dog warden shall be as follows:

(1) He shall have the power of arrest and be responsible for the enforcement within his county of all public and public-local laws pertaining to the ownership and control of dogs, and shall cooperate within the county in fulfilling this responsibility. Dog wardens appointed in Mecklenburg County shall not have the power of arrest."

[Takes power of arrest from consolidated gov-

ernment dog wardens. County wardens now have power; city wardens do not.]

Sec. 3. G.S. 105-116 is amended by adding at the end thereof the following new subsection (h):

“(h) For purposes of subsection (g), the term municipality includes any urban service district defined by the council of a consolidated county, and the amounts due thereby shall be distributed to the government of the consolidated county.”

[Qualifies consolidated government for distributions of franchise tax on same basis as municipalities presently receive distributions.]

Sec. 4. G.S. 105-213 is amended by renumbering the present section as subsection (a) and adding a new subsection (b) as follows:

“(b) For purposes of this section, the term municipality includes any urban service district defined by the council of a consolidated county, and the amounts due thereby shall be distributed to the government of the consolidated county.”

[Qualifies consolidated government for distributions of intangibles tax proceeds on same basis as if any urban service district were a municipality.]

Sec. 5. Chapter 130 of the General Statutes is amended by adding a new article to read as follows:

**“Article 3.1 Board of Health
in a consolidated county with
a population over 300,000.**

“Sec. 1. *Board of Health established; membership.* A consolidated county (as defined in the Consolidated Counties Act of 1971) with a population in excess of 300,000 has a Board of Health of three ex officio and six public members. The ex officio members, who may designate other persons to serve for them, are the mayor and the mayor pro tempore of the consolidated county and the superintendent of schools of the county school system. The six public members include a licensed physician, a pharmacist, a dentist, an environmental specialist and two public-spirited citizens who may not have the same profession or occupation as the other public members. The council of the consolidated county shall appoint the public members, who serve three-year staggered terms, beginning on March 1. Public members shall be qualified voters of the consolidated county and shall receive compensation and allowances, if any, as set by the council. Vacancies in the public membership on the Board shall be filled by the council of the

consolidated county for the unexpired term. The council may remove any public member for cause.

“Sec. 2. *Transition from county Board of Health.* Members of the county Board of Health serving at the date of the establishment of any consolidated county are the initial members of the consolidated county Board of Health. In addition, within 90 days after the establishment of the consolidated county, the council of the consolidated county shall appoint an environmental specialist and one other public member. At the initial meeting of the full Board, the public members shall draw lots to determine the expiration of their terms. Two shall serve for one year, two for two years and two for three years.

“Sec. 3. *Officers and procedures.* (a) Officers.—At its initial meeting and in March of each subsequent year, the Board of Health shall elect a chairman and may elect other officers. The Director of the Department of Public Health shall serve as secretary to the Board of Health.

(b) Meeting procedures.—A majority of the members of the Board of Health constitutes a quorum. The Board of Health may determine its own rules of procedure.

(c) Management of funds.—The Board of Health is subject to the fiscal control and budgeting procedures of the consolidated county.

“Sec. 4. *Applicable law.* Except as provided in this article, the provisions of Article 3 of Chapter 130 of the General Statutes applies to the Board of Health of a consolidated county with a population in excess of 300,000.”

[Establishes board of health. Must be general law for constitutional reasons.]

Sec. 6. G.S. 131-94 is amended by adding, between the present second and third paragraphs thereof, a new paragraph, to read as follows:

“In consolidated counties, the mayor may fill vacancies in the membership of the Authority by appointing persons other than those nominated by the Authority.”

[Amends hospital authority law so that mayor is no longer bound, in appointments, to nominees of authority.]

Sec. 7. G.S. 131-98 is amended by renumbering the present subsections (29) through (36) as (30) through (37), respectively, and adding a new subsection (29) to read as follows:

“(29) In a consolidated county, to provide and maintain ambulance, rescue squad, emergency health vehicle or similar services

for residents of a part of or all the county."

[Authorizes hospital authority to provide ambulance services.]

Sec. 8. G.S. 136-41.1 is amended by renumbering the present section as subsection (a) and adding a new subsection (b) as follows:

"(b) For purposes of this section and of G.S. 136-41.2 and 136-41.3, urban service districts defined by the council of a consolidated county shall be considered eligible municipalities, and the allocations to be made thereby shall be made to the government of the consolidated county."

[Qualifies consolidated government for state street-aid funds.]

Sec. 9. G.S. 155-1 is amended by adding the following sentence: "In Mecklenburg County, however, the treasurer shall be appointed or designated by the chief administrative officer of the consolidated government, subject to the approval of the mayor.", so that G.S. 155-1 shall read as follows:

"Sec. 155-1. *Election of county treasurer.* In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, a treasurer. In Mecklenburg County, however, the treasurer shall be appointed or designated by the chief administrative officer of the consolidated government, subject to the approval of the mayor."

[Changes county treasurer from elective to appointive position.]

Sec. 10. G.S. 166-8 is amended by renumbering the present subsection (b) as subsection (c) and adding a new paragraph (b), to read: "In Mecklenburg County the county director of civil defense shall be appointed by and be responsible to the chief administrative officer of the consolidated government."

[Makes appointment of civil defense director parallel to other department heads.]

Sec. 11. Section 3 of Chapter 446 of the Public-Local Laws of 1931, as amended, is amended by deleting the phrase: "Mayor of the City of Charlotte, the Chief of Police of the City of Charlotte, the Chairman of the Mecklenburg County Board of Commissioners, the Sheriff of Mecklenburg County, the Chief of Rural Police" in the first sentence and inserting in lieu thereof the language: "Mayor of The Consolidated Government

of Charlotte and Mecklenburg County, the Chief of Police of the consolidated government, the Mayor Pro Tempore of the consolidated government, the Sheriff of Mecklenburg County and the chairman of the Civil Service Commission of the consolidated government", so that the first sentence of the section shall read as follows:

"Sec. 3. That the Mayor of The Consolidated Government of Charlotte and Mecklenburg County, the Chief of Police of the consolidated government, the Mayor Pro Tempore of the consolidated government, the Sheriff of Mecklenburg County and the chairman of the Civil Service Commission of the consolidated government and their successors in office be and they are hereby constituted members ex officio of a board to be known as 'The Officers Relief Board of Mecklenburg County,' to administer the provisions of this act and said board shall elect its own chairman and appoint an officer of the Board to be known as 'Commissioner of the Emergency Fund of the County of Mecklenburg,' who shall also act as Secretary and Treasurer of the Board and shall act under the instructions of the Board in all matters pertaining to the administration of this Act."

[Changes ex officio members of the board of law enforcement officers' Emergency and Pension Fund of Mecklenburg County, to accord with the new government.]

Sec. 12. Section 4 of Chapter 926 of the Session Laws of 1947, as amended by Section 1 of Chapter 932 of the Session Laws of 1953, is amended by deleting the phrase: "(a) City Manager, (b) City Treasurer, (c) City Accountant—All of the City of Charlotte," and inserting in lieu thereof the language: "(a) chief administrative officer of the consolidated government, (b) treasurer of the consolidated government, (c) finance director of the consolidated government," and by changing all references to the Charlotte Fire Department to the Charlotte Urban Service District Fire Department, so that the section shall read as follows:

"Sec. 4. *Administration by Board of Trustees.* Rights and Powers. The general administration and responsibility for the proper operation of the Retirement System and for making effective the provisions of this Act are hereby vested in a Board of Trustees consisting of: (a) chief administrative officer of the consolidated government, (b) treasurer of the consolidated government, (c)

finance director of the consolidated government, (d) a chairman and three members to represent the public to be appointed by the Resident Judge of the Superior Court of Mecklenburg County to hold office for a period of three years or until their successors shall have been appointed and qualified, and (e) three members chosen from the Charlotte Urban Service District Fire Department, these representatives to be elected by a majority vote of the uniformed members of the Charlotte Urban Service District Fire Department; one of said representatives to the Board of Trustees shall hold office for a period of one year, one for a period of two years, and one for a period of three years. Any member shall be eligible to succeed himself."

[Changes ex officio members of board of Charlotte Firemen's Retirement System Board, to accord with new government.]

Sec. 13. Section one of Chapter 740 of the Session Laws of 1967 is rewritten to read as follows:

"Sec. 1. Where the proposed right of way of a street or highway necessitates the taking of a portion of a building or structure, or a portion of a parcel of land leaving a remainder of such shape, size or condition so as to be of little value, the consolidated government may acquire, by condemnation or purchase, either (1) the entire building or structure, together with the right to enter upon the surrounding land for the purpose of removing the building or structure, or (2) the entire parcel of land, or (3) both. The consolidated government first shall make a determination based upon an affidavit of an independent real estate appraiser that:

(1) as to the building or structure, the partial taking will substantially destroy the economic value or utility of the building or structure, and that either

(a) an economy in the expenditure of public funds will be promoted thereby;

or

(b) it is not feasible to cut off a portion of the building without destroying the entire building; or

(c) the convenience, safety or improvement of the street or highway will be promoted thereby;

(2) as to the portion of land, that either

(a) a partial taking will substantially destroy the economic value or utility of the remainder; or

(b) an economy in the expenditure of public funds will be promoted thereby; or

(c) the interest of the public will be best served by the acquisition of the entire parcel.

Where an entire structure is condemned under this section and the owner is or may be prohibited or prevented from rebuilding the type of structure condemned because of zoning, building or other restrictions, or where the remaining land after condemnation cannot be used by the owner for the purposes for which the land was zoned prior to condemnation, these facts are competent and shall be considered in determining the damages to which the owner is entitled."

[Brings Charlotte local act on eminent domain into closer accord with general law, by including parcels of lots.]

Sec. 14. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 15. All laws and clauses of laws in conflict with this act are repealed.

Sec. 16. The effective date of this act is August 15, 1972.

CITIZENS REVIEW COMMITTEE

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Marshall Barnette
Miss Lucille Batts
Mrs. Ivestia Beckwith
Mrs. Alice Blanton
Luther Brackett
Paul Braxton
Mrs. Jane Brinkley
George H. Broadrick
Patrick N. Calhoun
John R. Campbell
Mrs. Margaret Claiborne
Carroll Clark
William Clement
Charles F. Coira
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J. Scott Cramer
Kenneth R. Downs
Marion Ellis
W. J. Elvin
J. Carlton Fleming
Frederick Ford
Kenneth A. Griffin
Charles T. Hawkins
W. A. Hood
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Charles R. Huntington
Mrs. Stanley M. Kaplan
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Gray N. Lewis
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Mrs. W. R. Muller
Mrs. Charles T. Myers
H. B. Naramore
Dr. Lionel H. Newsom
James Pierce
Wilson Potts
C. D. Rippy
Eric Ritzen
Mrs. Addie Rodgers
Mrs. Mary Rogers
Guy William Sherwood
W. J. Smith
John B. Stedman
Mrs. J. David Stratton
Carey B. Todd
Walter S. Tucker
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Thomas L. Ward
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Samuel S. Williams
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G. Randolph Babcock
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Mrs. Louise Brennan
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Mrs. Kathleen Crosby
Jack Crump
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Charles H. Funderburk

Joseph W. Grier, Jr.
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James G. Martin
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Wallace S. Osborne
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William I. Ward Jr.
J. E. Wayland
Jones Y. Pharr Jr.,
Chairman

THE COMMISSION STAFF

Warren J. Wicker, Director
David M. Lawrence
H. Rutherford Turnbull, III
From the Institute of Government

L. M. Wright Jr.,
Associate Director for the Commission

MEMBERSHIP CHANGES

Mrs. Kathleen Crosby, originally a member of the Citizens Review Committee, was appointed to the Charter Commission when James T. Burch resigned in December, 1969. Dr. James G. Martin succeeded Charles M. Lowe as an exofficio member in December, 1970.

Appointments were made to the Citizens Review Committee as indicated: John R. Campbell, July, 1970; John N. Hunter, November, 1969; Charles R. Huntington, December, 1969; Mrs. Earl MacCormac, April, 1970; John B. Stedman, March, 1970, and E. W. Waddell, May, 1970. Resignations from the Citizens Review Committee were received as indicated: Mrs. Jane Brinkley, April, 1970; George H. Broadrick, April, 1970; William Clement, February, 1970; J. Scott Cramer, December, 1969; Frederick Ford, February, 1970; Charles R. Huntington, July, 1970; Dr. Lionel H. Newsom, May, 1969; W. J. Smith, February, 1970, and L. M. Wright Jr., November, 1969. Mrs. Addie Rodgers was a member of the Citizens Review Committee from its formation in April, 1969, until her death in May, 1970.