

RESOLUTION TO ESTABLISH A  
CONSOLIDATION CHARTER COMMISSION

WHEREAS, during the past year, the Durham City Council (“Council”) and Durham County Board of County Commissioners (“Commissioners”) have been exploring the feasibility and desirability of consolidating the City and County; and

WHEREAS, on February 22 and March 1, 1999, respectively, the Commissioners and Council established a joint Merger Steering Committee to study the issue of consolidation; and

WHEREAS, to assist in this effort and provide for broad public participation, the Merger Steering Committee established the following Citizen Task Forces: Administrative/General Government, Human & Community Services, Public Protection, Public Works, Taxation & Finance, and Governmental Structure; and

WHEREAS, in August 1999, the Council and Commissioners retained the services of DMG-Maximus to provide facilitation and research services for the Citizen Task Forces in looking at issues related to consolidation; and

WHEREAS, on December 21, 1999, DMG-Maximus and the Citizen Task Forces issued reports with findings and recommendations on consolidation; and

WHEREAS, on January 3, 2000, these reports were presented to the Merger Steering Committee and the elected officials of the City and County; and

WHEREAS, on January 10 and 18, 2000, respectively, the Commissioners and Council authorized DMG-Maximus to conduct a cost-benefit analysis of merger and to complete this work by March 20, 2000; and

WHEREAS, Article 20 of Chapter 153A of the General Statutes of North Carolina authorizes counties and cities to establish governmental consolidation charter commissions by concurrent resolutions of their governing bodies; and

WHEREAS, the Council and Commissioners have determined that establishing such a charter commission is desirable and appropriate; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM:

1. Establishment of Charter Commission. There is hereby established the Durham City-County Consolidation Charter Commission (“Commission”) pursuant to the provisions of Article 20 of Chapter 153A of the General Statutes of North Carolina.
2. Purposes of Commission. The Commission is hereby charged with the following purposes pursuant to G.S. 153A-402:

- a) To study the powers, duties, functions, responsibilities and organizational structures of the City and County of Durham and, to the extent pertinent to such study, the other units of local government and public agencies within the City and County;
- b) To prepare a report on its studies and findings;
- c) To prepare drafts of a proposed Charter for the consolidated City-County government and any additional legislation necessary or desirable to carry out the plan of governmental consolidation.

3. Composition and Meetings of Commission.

- a) The Consolidation Charter Commission shall be composed of forty (40) regular voting member and five (5) alternate members. The alternate members shall be required to meet all the requirements of a regular member, but will not have a vote. Should any regular member resign, be removed, or otherwise be unable to serve on the Charter Commission, an alternate member will take that regular member's place and become a regular member of the Commission.
- b) Any person wishing to serve on the Commission shall file an application with the Clerk to the Board of Commissioners on or before February 22, 2000 by 5:00 p.m. The form of the application is attached hereto as Exhibit A.
- c) A Selection Committee is hereby created which shall be composed of five City Council Members and three County Commissioners. The Selection Committee shall review each application for membership on the Charter Commission along with the recommendations from their fellow Council Members and County Commissioners. The Selection Committee shall then select forty regular members for the Charter Commission and five alternate members. These nominees shall be forwarded to both the Board of Commissioners and the City Council. Both the City Council and Board of Commissioners must approve the appointment of the nominees of the Selection Committee.
- d) All members of the Commission shall be registered voters eligible to vote in the City or County, and whose property taxes are current. No elected officials currently serving on the Council or Board of County Commissioners shall be a member of the Commission.
- e) Members of the Commission shall serve without compensation, but may be reimbursed for necessary and reasonable out-of-pocket expenses incurred and properly documented in carrying out their duties consistent with the adopted budget. Members shall serve on behalf of all of the citizens of Durham rather than as representatives of any organization.
- f) The officers of the Commission shall be two Co-Chairs. The Co-Chairs shall be jointly appointed by the Mayor and Chair of the Board of County Commissioners. The organizational meeting of the Commission shall be called by the Mayor and Chair of the Board of County Commissioners within 14 days after appointment of the members of the Commission. The meetings of the Commission and its committees shall be subject to the

provisions of the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes of North Carolina.

- g) A majority of the members shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the members attending a meeting of the Commission, a quorum being present, shall be required for the Commission to take action. The Commission shall keep attendance records, and members must attend not less than 80 percent of the meetings of the Commission to be eligible to vote on the proposed Charter for the consolidated City-County government.
  - h) The Commission may work through a committee structure in undertaking its duties. A majority of the members of any committee established by the Commission shall constitute a quorum for the transaction of business by the committee. An affirmative vote of the majority of the members attending a meeting of the committee, a quorum being present, shall be required for the committee to take action.
4. Budget. The Commission shall have an initial budget of \$150,000. The Commission may request additional funding from the City and County if necessary to complete its work. All costs and expenses of the Commission shall be shared equally by the City and County. For purposes of the Local Government Budget and Fiscal Control Act, the Commission shall be considered as an agency of the County.
5. Employees and Consultants.
- a) The City and County Managers are directed to make staff members available to cooperate with and facilitate the work of the Commission, and to each provide a staff liaison to the Commission. However, City and County employees shall not serve as staff to the Commission.
  - b) The City and County shall retain the Institute of Government as a consultant to: provide independent legal and technical advice to the Commission, and draft the proposed Charter and any additional legislation necessary or desirable to carry out the plan of governmental consolidation. The Institute of Government shall perform this work on behalf of and as directed by the Commission. The Institute of Government faculty engaged by the Commission shall confer with City and County staff on technical matters and with the City and County Attorneys on legal matters.
6. Powers of Commission. Subject to the budgetary limitations in Section 4 of this Resolution, the Commission is hereby granted the powers conferred in G.S. 153A-404:
- a) To adopt rules and regulations for the conduct of its business;
  - b) To apply for, accept, receive and disburse funds, grants and services made available by the State of North Carolina or any agency thereof, the federal government or any agency thereof, any unit of local government, or any private or civic agency;

- c) To contract with consultants;
  - d) To hold hearings in furtherance of its business; and
  - e) To take any other action necessary or expedient to the furtherance of its business.
7. Schedule for Completion of Work. The Co-Chairs of the Commission shall make reports to the Council and Commissioners by March 30 and May 15, 2000 as to the progress of the Commission's work. The Commission shall complete its work on or before July 15, 2000. If the Commission is unable to complete its work by that date, the Commission may request the Council and Commissioners to provide the Commission with such additional time as may be necessary.
  8. Amendment of Resolution. The Council and Commissioners may amend this Resolution. Any such amendment may include, among other things, providing the Commission with authority to call a referendum on the plan of governmental consolidation to be prepared by the Commission.

This Resolution shall be effective upon adoption by the Board of County Commissioners and the City Council.

This the 29<sup>th</sup> day of February 2000.