

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 989  
SENATE BILL 1401

AN ACT TO CONSOLIDATE THE GOVERNMENTS OF THE CITY OF DURHAM AND DURHAM COUNTY AND ENACT A CHARTER FOR THE CONSOLIDATED GOVERNMENT OF DURHAM AND DURHAM COUNTY SUBJECT TO APPROVAL OF THE VOTERS OF DURHAM COUNTY.

Whereas, the Durham City-County Charter Commission was established by act of the 1971 General Assembly of North Carolina (Ch. 600, 1971 Session Laws, as amended by Ch. 530, 1973 Session Laws); and

Whereas, the Commission has devoted over two years to the study of governmental arrangements in Durham County and the development of a proposed charter for a consolidated government; and

Whereas, the Commission held public hearings on a preliminary draft of a proposed charter on January 17 and February 1 of 1973 as required by Section 10 of Chapter 600 of the 1971 Session Laws; and

Whereas, on February 7, 1974, the Commission approved a final draft of a proposed charter for a consolidated government for the City of Durham and Durham County; and

Whereas, on February 7, 1974, the Commission set September 10, 1974, as the date for the holding of referendum in Durham County on the proposed charter and plan of consolidation; and

Whereas, Chapter 600 of the 1971 Session Laws provides that no new and consolidated government may become effective until it is approved by the voters of Durham County and its charter is enacted into law by the General Assembly of North Carolina; Now, therefore,

The General Assembly of North Carolina enacts:

**Section 1.** The Charter of the Government of Durham and Durham County is as follows:

"THE CHARTER OF THE GOVERNMENT OF DURHAM AND DURHAM COUNTY.

"Chapter 1. General Provisions.

"Article 1. Creation and Boundaries.

"Section 1-1. Durham government established.-(a) The powers, duties, rights, privileges and immunities of the City of Durham are consolidated with those of the County of Durham. These consolidated powers, duties, rights, privileges and immunities are exercised and enjoyed by a government for Durham County known as The

Government of Durham and Durham County (herein called 'the Durham government'). The government is the legal successor to the separate governments of the City of Durham and the County of Durham. Durham County continues as a county of the State of North Carolina, and the Durham 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 Durham is abolished as an independent municipal corporation.

"Sec. 1-2. Boundaries.-The Durham government has jurisdiction and extends territorially throughout Durham County.

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

"Article 2. Powers.

"Sec. 1-6. Corporate powers.-The inhabitants of Durham County are constituted a body politic and corporate under the name of The Government of Durham and Durham 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 them; and may hold, invest, sell or dispose of such property and rights of property.

"Sec. 1-7. Grant of county and city powers.-Except as otherwise provided in this charter, the Durham government and its officers and employees may exercise and do enjoy (1) all the powers, duties, rights, privileges and immunities that counties at or after the effective date of this charter may exercise and do enjoy under the Constitution and general laws of the State of North Carolina, (2) all the powers, duties, rights, privileges and immunities that cities at or after the effective date of this charter may exercise and do enjoy under the Constitution and general laws of the State of North Carolina and (3) all the powers, duties, rights, privileges and immunities that the City of Durham or Durham County at the effective date of this charter could exercise and enjoy under special acts of the General Assembly of North Carolina. All these special acts applying to the City of Durham or Durham County are continued and apply to the Durham government except as expressly repealed by this charter or when clearly inconsistent with the provisions of this charter.

Except as otherwise provided in this charter, the Durham government may exercise and does enjoy throughout its jurisdiction any power, duty, right, privilege or immunity granted to it by law.

In exercising and enjoying any power, duty, right, privilege or immunity, the Durham government shall follow the procedures, if any, set out in this charter. If the charter contains a procedure that does not include all acts necessary to exercise the power, duty, right, privilege or immunity, the Durham government shall supplement the charter procedure by applicable procedures set out in other statutes. If no procedure is set out in the charter, the Durham 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 laws, other than this charter, grant the same power, duty, right, privilege or immunity, but with differing procedures, the Durham government may proceed under either. Before proceeding under either procedure, the Board of

Government shall by resolution select which of the alternative procedures available under general law the Durham government shall follow. The Board may by resolution change the selection from time to time. The procedure set out in any statute, when employed by the Durham government, is deemed amended to conform to the structure and administrative organization of the Durham government. If a statute refers to the governing body or governing board of a county or city, the reference, except as otherwise provided in this charter, means the Board of Government; and a reference to a specific official means the official of the Durham government who most nearly performs the same duties performed by the specified official. If there is doubt as to the appropriate official, the Board shall by resolution designate an appropriate official to act as fully as if his office were specified in the statute.

"Chapter 2. The Board of Government.

"Article 1. The Governing Body.

"Sec. 2-1. Composition; numbers of members; how elected.-The governing board of the Government of Durham and Durham County is the Board of Government. It has sixteen members. There are sixteen electoral districts, and the qualified voters of each district shall elect one member of the Board.

"Sec. 2-2. Terms.-Except for the initial members of the Board of Government, who shall serve for the terms provided for in Section 10-9 of this charter, members of the Board are elected to four-year terms, and shall take office at the first regular meeting of the Board in December next following their election.

"Sec. 2-3. Eligibility.-To be eligible for election to, appointment to and service on the Board of Government, a person must be eligible for election by the people under the Constitution of North Carolina. In addition, no person may file notice of candidacy for or be nominated, elected, appointed, or serve from a district in which he does not reside.

"Sec. 2-4. Compensation.-The initial base compensation of members of the Board of Government is two hundred dollars per month. In addition, each member of the Board is entitled to receive twenty-five dollars for attendance at each official meeting of the Board and of the committee of the whole, but the total of sums received for attendance at meetings may not exceed one hundred fifty dollars in any month.

The Board may by ordinance fix its own compensation, to become effective on December 1 following the next regular Durham government election following adoption of the ordinance.

"Sec. 2-5. Vacancies.-A vacancy in the membership of the Board of Government exists when a duly elected person fails to qualify, or when a member who has been duly elected and has qualified either dies, resigns, no longer meets the requirements of Section 2-3 of this charter, is removed or is recalled. The Board shall fill all vacancies. In order to qualify, the person appointed shall take and subscribe the oath required by the Constitution of North Carolina. The term of the appointed member extends to the first regular meeting of the Board in December following the next general Durham government election. At the next general Durham government election following the creation of a vacancy, a person shall be elected to the seat vacated, either for the remainder of the unexpired term, or if the term has expired, to a four-year term.

"Sec. 2-6 through 2-10. Reserved.

"Article 2. Organization, Rules, Officers.

"Sec. 2-11. Organizational meetings.-The Board of Government shall meet on the date of the first regular meeting of the Board in December next following each Durham government election. At that meeting, the Mayor and each member of the Board whose term of office begins that day shall take and subscribe the oath required by the Constitution of North Carolina. The Clerk of Superior Court shall administer the oath. A member absent from the organizational meeting may take and subscribe the oath at a later time.

"Sec. 2-12. Mayor Pro Tempore; duties.-At the first regular meeting of the Board of Government in December next following each Durham government election, the Board shall elect from among its members a Mayor Pro Tempore to serve a two-year term. The Mayor Pro Tempore shall preside at meetings of the Board in the absence of the Mayor.

The Mayor Pro Tempore is a member of the Board for all purposes, including the determination of whether a quorum is present.

In the event of a vacancy in the office of Mayor, the Mayor Pro Tempore shall act as Mayor until a Mayor is appointed by the Board pursuant to this charter.

"Sec. 2-13. Rules.-Consistent with this charter, the Board of Government may adopt its own rules of procedure. The Board shall adopt rules under which the public shall be afforded reasonable opportunity to be heard on any matter before the Board.

"Sec. 2-14. Quorum; voting.-Nine members of the Board of Government or eight members of the Board and the Mayor constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

The vote of each member on each ordinance shall be recorded in the official minutes. Voting by proxy is not allowed.

If a matter before the Board involves a member's official conduct or his personal or financial interest, the member must state the nature and extent of his interest. The Board, in its discretion, may excuse the member from voting upon matters involving his official conduct or his personal or financial interest but may not excuse a member from voting for any other reasons. In all other cases, a member is required to vote on matters before the Board.

A member who is present and fails to vote or who having been present has withdrawn from the meeting without being excused by the remaining members of the Board shall be recorded as having voted affirmatively.

No action may be taken except by an affirmative vote of a majority of the votes cast. Except when a greater number is required by law, an affirmative vote of a majority of all of the members of the Board, including the Mayor, not excused from voting on the question in issue is required to adopt an ordinance or take any action having the effect of an ordinance or ratify or authorize any contract on behalf of the Durham government except that only a simple majority of the votes cast is required to adopt a budget ordinance.

"Sec. 2-15. Meetings.-The Board of Government shall hold its regular meetings in the evening at a time starting after 6:00 p.m. The Board shall fix the time, day and place

of its regular meetings and shall hold at least one regular meeting each month. A meeting of the committee of the whole is not a regular meeting of the Board. The Mayor, a majority of the members of the Board or the Chief Administrative Officer may call a special meeting of the Board. The person or persons calling the meeting shall, at least 24 hours in advance of the meeting, cause 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 24 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, a majority of the members of the Board or the Chief Administrative Officer may call a meeting to deal with an emergency. The notice provisions of this section do not apply to those meetings. The Board shall specify by ordinance the procedure for calling a meeting to deal with an emergency.

"Sec. 2-16 through 2-19. Reserved.

"Article 3. Legislative Powers and Ordinance Procedure.

"Sec. 2-20. Legislative power.-All legislative powers of the Durham government are vested in the Board of Government.

"Sec. 2-21. Ordinance procedure.-(a) Adoption. No ordinance nor any action having the effect of an ordinance may be adopted on the date on which it is introduced except by an affirmative vote of at least twelve members of the Board of Government or of eleven members of the Board and the Mayor. No ordinance making a grant, renewal, extension or amendment of any franchise may be finally adopted until it has been passed at two regular meetings of the Board.

(b) Effective date. Bond orders, franchise, appropriation, revenue, and budget ordinances and any ordinance that by law may not be adopted without prior public notice and a public hearing become effective as provided in the ordinance. All other ordinances become effective at the expiration of 30 days after adoption or at any later date specified in the ordinance except an ordinance may take effect upon adoption if the Board determines that immediate operation of the ordinance is necessary to protect the health, safety or welfare of the citizens of Durham County or the public peace and dignity. Any such ordinance that is to become effective upon adoption shall contain a declaration stating in clear and specific terms the reason for its immediate effective date.

"Article 4. Initiative and Referendum.

"Sec. 2-22. General authority.-(a) Initiative power. The qualified voters of the Durham government have the power to propose any ordinance to the Board of Government, except a budget ordinance, bond order, franchise ordinance or any ordinance creating, expanding or abolishing an urban service district. The initiative process may be used to repeal any ordinance that could be proposed under the initiative process except that it may not be used to repeal any ordinance affirmed by a referendum election within one year after the referendum vote. If the Board fails to adopt the ordinance without substantive change, the voters have the power to approve or reject the proposed ordinance at the polls. These powers comprise the initiative power.

(b) Referendum power. The qualified voters of the Durham government have the power to require reconsideration by the Board of Government of any adopted ordinance, except a budget ordinance, bond order, franchise ordinance or any ordinance that by law may not be adopted without prior public notice and a public hearing. If the Board fails to repeal an ordinance which it has been required to reconsider, the voters shall have the power to approve or reject the referred ordinance at the polls. These powers comprise the referendum power.

"Sec. 2-23. Commencement of proceedings.-Any five qualified voters may commence an initiative or referendum petition by filing with the Durham government clerk an affidavit stating that they will constitute the petitioners' committee and will be responsible for circulating the petition and filing it in proper form.

"Sec. 2-24. Petitions.-(a) Signatures. An initiative or referendum petition shall bear the signatures equal in number to at least ten percent of the registered voters of the Durham government or 5,000, whichever is less.

(b) Form and content. The Board of Government by ordinance shall specify the form and content of a petition and procedures for initiative and referendum elections.

(c) Time for filing. An initiative petition may be filed at any time. A referendum petition must be filed within 30 days after adoption by the Board of Government of the ordinance sought to be reconsidered.

"Sec. 2-25. Certification.-The petition shall be filed with the Durham government clerk and the signatures shall be verified by the Durham County Board of Elections. The Board of Government by ordinance shall specify the procedures for certifying the sufficiency of a petition. The Board shall provide in the ordinance reasonable time limits for completing the certification of sufficiency or insufficiency of a petition.

"Sec. 2-26. Suspension of effective date of referred ordinance.-When, within the time allowed, a referendum petition is filed with the Durham government clerk, the ordinance sought to be reconsidered shall be suspended from taking effect, except an ordinance which takes effect upon adoption as provided in Section 2-21(b) of this charter shall continue in effect until repealed. The suspension of the effective date of an ordinance shall terminate when:

(a) There is a final determination that the petition is insufficient,

(b) The petitioners' committee withdraws the petition, or

(c) The Board of Elections certifies that the repeal of the ordinance has been rejected in an election.

"Sec. 2-27. Consideration by Board of Government and submission to vote.-When an initiative or referendum petition has been finally determined sufficient, the Board of Government shall promptly consider it. If the Board fails to adopt without substantive change an ordinance proposed by initiative petition or fails to repeal a referred ordinance within 60 days after the date on which the petition was certified as sufficient, the Board shall cause the proposed ordinance or the referred ordinance to be submitted to the voters of the Durham government. The vote on the proposed ordinance or the referred ordinance shall be held within 120 days of the date on which the petition was certified as sufficient.

"Sec. 2-28. Withdrawal of petition.-The petitioners' committee may withdraw the initiative or referendum petition at any time prior to the fifteenth day immediately preceding the day scheduled for a vote on the proposed or referred ordinance. The written request for withdrawal shall be signed by at least four members of the petitioners' committee and shall be filed with the Durham government clerk. The filing of the request withdraws the petition. The petition has no further effect and all proceedings are terminated.

"Sec. 2-29. Results of election.-  
(a) Initiative. If a majority of those voting in an initiative election approve the proposed ordinance, it shall become an ordinance of the Durham government on the date the results of the election are certified or a later effective date specified in the proposed ordinance.

(b) Referendum. If a majority of those voting in a referendum election approve the repeal of the referred ordinance, it shall be repealed on the date the results of the election are certified. If a majority of those voting in the election reject the repeal of the ordinance, the ordinance shall be an ordinance of the Durham government and shall become effective on the date the results of the election are certified or a later effective date specified in the referred ordinance.

### "Chapter 3. Mayor.

#### "Article 1. Qualification and Election.

"Sec. 3-1. Election; term.-The qualified voters of the entire Durham government elect the Mayor to a two-year term of office. He assumes office at the first regular meeting of the Board of Government in December next following his election.

"Sec. 3-2. Eligibility.-To be eligible for election to, appointment to and service as Mayor, a person must be eligible for election by the people to office under the Constitution of North Carolina.

"Sec. 3-3. Compensation.-The initial annual compensation of the Mayor is six thousand dollars. The Board of Government may by ordinance fix his compensation, to become effective on December 1 following the first regular Durham government election following adoption of the ordinance.

"Sec. 3-4. 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, dies, resigns, no longer meets the requirements of Section 3-2 of this charter, is removed or is recalled. The Board of Government shall fill any vacancy by appointing a person to the remainder of the unexpired term. In order to qualify, the person appointed shall take and subscribe the oath required by the Constitution of North Carolina.

"Sec. 3-5. Absence; temporary incapacity.-The Mayor may designate the Mayor Pro Tempore to serve as acting mayor while the Mayor is absent from the county. If the Board of Government, by a vote of twelve of its members, determines that the Mayor is temporarily incapacitated, the Mayor Pro Tempore shall serve as acting mayor for the duration of the incapacity. Nine members of the Board may determine that the Mayor's incapacity has terminated.

If an emergency arises during the absence of the Mayor from the county, the Board, by a vote of twelve of its members, may designate the Mayor Pro Tempore to serve as acting mayor. The designation of the Mayor Pro Tempore as acting mayor terminates

when the Mayor is no longer absent from the county or when nine members of the Board determine that the emergency has ended.

When serving as acting mayor, the Mayor Pro Tempore shall have the powers, duties, rights, privileges and immunities of the office of Mayor.

"Article 2. Powers and Duties.

"Sec. 3-6. Powers and duties.-The Mayor is the official head of the Durham 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 cities by the general laws of North Carolina.

He shall preside at meetings of the Board of Government and has the rights, powers, duties and responsibilities of a member of the Board.

The Mayor, unless some other officer or employee is authorized by the Board, shall sign each written contract or obligation of the Durham government and any of its agencies, boards, commissions and authorities. No contract or obligation of the Durham government or any of its agencies, boards, commissions and authorities required to be in writing is binding on them until so signed.

"Chapter 4. Elections and Removal.

"Article 1. Conduct of Elections.

"Sec. 4-1. Applicability of general laws.-Except as otherwise provided in this charter, Chapter 163 of the General Statutes as applicable to cities governs the elections for the office of Mayor and for membership on the Board of Government. When used in Chapter 163, the word 'city' or 'cities' includes the Durham government. The office of Mayor and membership on the Board are city offices.

"Sec. 4-2. Election board; officials.-The County Board of Elections shall conduct the elections for the Durham government. The election officials appointed by the County Board of Elections shall be the election officials for Durham government elections.

"Sec. 4-3. Types of elections.-The Mayor and members of the Board of Government shall be elected by the nonpartisan primary and election method as provided in G.S. 163-290 and 163-294.

"Sec. 4-4. Filing fee.-The filing fee for the initial primary shall be sixty dollars for the office of Mayor and forty-two dollars for membership on the Board of Government. The Board of Government may modify the filing fee for primaries no later than July 1 immediately preceding the first primary to which it is to apply.

"Sec. 4-5. Absentee ballots.-The provisions of Articles 20 and 21 of Chapter 163 of the General Statutes shall apply to the elections of the Mayor and members of the Board of Government.

"Sec. 4-6. Regulations of campaign expenses.-Article 22 of Chapter 163 of the General Statutes applies to elections held under this article.

"Sec. 4-7 through 4-9. Reserved.

"Article 2. Districts, Reapportionment.

"Sec. 4-10. Districts established.-The boundaries and the numbers of the 16 electoral districts are set out in Chapter 11 of this charter.

"Sec. 4-11. Commission established; membership.-By July 1 of the year in which an official federal census is taken, the Board of Government shall establish a Districting



Commission of 16 members. Each member of the Board shall appoint to the Commission one person who resides in the electoral district that the member represents. The Commission functions until a new districting plan is adopted or until it determines that a new districting plan is unnecessary.

"Sec. 4-12. Redistricting.-After publication of the official federal census, the Districting 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 percent between the populations of the most populated and of the least populated districts, the population shall be deemed to be substantially unequal. The Commission, moreover, may determine that a difference of less than ten percent causes the population to be substantially unequal. If the Commission finds that the population of the districts is substantially unequal, the Commission shall adopt a plan of redistricting no later than July 1 of the year following the year in which the official federal census was taken. The districts as established by the plan shall be the basis for electing members of the Board of Government at the first election following its adoption and each election thereafter until a new plan is adopted. The plan shall take effect on the date of the first regular meeting of the Board in December next following the first election to which the plan applied.

In any plan adopted, all electoral districts shall be as nearly equal in population as possible; the districts shall assure, as reasonably as possible, equitable representation on the Board of races, socio-economic groups and geographic sections of the county; and each district shall be formed of compact, contiguous territory and its boundary lines, to the extent possible, shall follow natural or distinctive features such as rivers, roads and streets.

The Commission shall certify any new districting plan to the Durham County Board of Elections within seven days after its adoption by the Commission.

If a plan causes a vacancy on the Board, the vacancy shall be filled at the first election to which the plan is to apply. The person elected to fill the vacancy shall take office at the first regular meeting of the Board in December next following his election, and is elected to the remainder of the unexpired term. If two or more members of the Board are found to reside in a single new district created by the adoption of a new districting plan, the member who previously occupied the district with the same number as the number of the new district shall be the representative of that district. If two or more members of the Board reside in a newly formed district, the number of which is different from that of the district either previously represented, a vacancy on the Board from that district shall be deemed to have been caused by the adoption of the new districting plan.

"Sec. 4-13 through 4-16. Reserved.

"Article 3. Removal.

"Sec. 4-17. Removal by the Board of Government.-The Board of Government after a removal hearing and an affirmative vote of twelve of its members or of eleven members and the Mayor may remove from office a member of the Board or the Mayor for nonfeasance, misfeasance, malfeasance or conviction of a crime involving moral

turpitude. A member of the Board or the Mayor may initiate removal by making a motion at a Board meeting calling for the removal of an officer. The motion shall specify the grounds on which removal is sought. The Durham government clerk shall cause written notice of the motion and a copy of the charges to be given to the officer against whom removal is sought at least ten days before the removal hearing. At the removal hearing, the officer shall have the right to be heard in person and by counsel in his defense. If a member of the Board or the Mayor is removed, the vacancy shall be filled as provided in Section 2-5 or Section 3-4 of this charter.

"Sec. 4-18. Recall.-The Mayor, a member of the Board of Government, a member of the Durham County Board of Education and the Register of Deeds are subject to removal pursuant to this section. An officer is removed upon the filing of a sufficient recall petition and the affirmative vote of a majority of those voting on the question of removal at a recall election.

A recall petition shall be filed with the Durham County Board of Elections. A petition to recall the Mayor, a member of the Durham County Board of Education or the Register of Deeds shall bear the signatures equal in number to at least twenty percent of the registered voters in the Durham government. A petition to recall a member of the Board of Government shall bear the signatures equal in number to at least twenty percent of the registered voters in the district that the member represents.

The Board of Elections shall verify the petition signatures. If a sufficient recall petition is submitted, the Board of Elections shall certify its sufficiency to the Board of Government, and the Board of Government shall adopt a resolution calling for a recall election to be held not less than 40 days nor more than 60 days after the petition has been certified to the Board of Government. The election may be held by itself or at the same time as any other general or special election within the period. The Board of Elections shall conduct the recall election. The proposition submitted to the voters shall be substantially in the following form:

For the recall of (name of officer)

Against the recall of (name of officer)

The registered voters of the Durham government are eligible to vote in an election to recall the Mayor, a member of the Board of Education or the Register of Deeds. In an election to recall a member of the Board of Government, only the voters registered in the district that the member to be recalled represents are eligible to vote.

If a majority of the votes cast on the question are against the officer's recall, he shall continue in office, but is subject to recall as before. If a majority of the votes cast on the question are for the recall of the officer, he is removed on the date the Board of Elections certifies the results of the election. A vacancy created by removal of a member of the Board of Government or the Mayor shall be filled as provided in Section 2-5 or Section 3-4 of this charter. A vacancy created by removal of a member of the Board of Education shall be filled as provided by Chapter 296 of the 1963 Session Laws. A vacancy created by the removal of the Register of Deeds shall be filled by the Board of Government.

"Chapter 5. Administrative.

"Article 1. General Administration.

"Sec. 5-1. Initial administrative organization.-The initial administrative organization of the Durham 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. 5-2. Administrative reorganization.-Except as restricted by this charter or the general law of the State, the Board of Government may reorganize the administrative structure of the Durham government by creating, consolidating, reorganizing and abolishing offices, positions, departments, committees, agencies, boards, commissions and authorities of the Durham government. In a plan of reorganization, the Board may impose additional powers and duties on any office, position, department, committee, agency, board, commission or authority. Except by amendment of this charter, however, no office, position, department, committee, 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.

"Sec. 5-3 through 5-5. Reserved.

"Article 2. Chief Administrative Officer.

"Sec. 5-6. Appointment; qualifications; term.-The Board of Government shall appoint the Chief Administrative Officer to hold office at the pleasure of the Board. The Chief Administrative Officer shall be appointed solely on the basis of his executive and administrative qualifications and need not be a resident of Durham County when appointed.

"Sec. 5-7. Duties and responsibilities.-The Chief Administrative Officer shall:

(a) See that the laws of the State and the ordinances, resolutions, rules and regulations of the Durham government are faithfully executed and enforced within the county.

(b) Attend all meetings of the Board of Government and recommend for adoption any measure he deems expedient.

(c) Make reports to the Board from time to time upon the affairs of the Durham government and keep the Board fully advised of the Durham government's financial condition and its future financial needs.

(d) Appoint and suspend or remove all Durham government employees whose appointments or selection are not otherwise provided for in this charter or by general law, in accordance with personnel rules, regulations, policies or ordinances adopted by the Board.

(e) Prepare and submit the annual budget and capital program to the Board.

(f) Direct and supervise the administration of all departments, boards, offices, agencies and commissions of the Durham government, subject to the general direction and control of the Board, except as otherwise provided by law.

(g) Exercise any other powers and perform any other duties authorized by the Board and not inconsistent with this charter or with the general law of the State.

"Sec. 5-8. Absence or disability.-By letter filed with the Durham government clerk, the Chief Administrative Officer may designate, subject to the approval of the Board of Government, a qualified person to exercise the powers and perform the duties of the

Chief Administrative Officer during his temporary absence or disability. During this absence or disability, the Board may revoke that designation and appoint another to serve until the Chief Administrative Officer returns or his disability ceases.

"Sec. 5-9 through 5-11. Reserved.

"Article 3. Personnel.

"Sec. 5-12. Personnel system.-The Board of Government shall establish by ordinance a system of personnel administration. The system shall cover all employees of the Durham government except as otherwise provided by law.

The system shall not cover (a) elected officials, (b) employees of the Durham City and County Boards of Education and (c) employees of any committee, agency, board, commission and authority authorized to appoint its own chief administrative officer except as otherwise provided in this charter or other law. Employees of the Sheriff and Register of Deeds are appointed, supervised and discharged pursuant to the provisions of general law. Employees subject to State or federal civil service regulations and procedures may be made subject to the personnel ordinances of the Durham government in any manner consistent with State or federal regulations and procedures.

The system of personnel administration may provide for classification of positions, the manner and method of publicizing vacancies, employing and appointing personnel, the qualifications of employees, employee evaluations and performance, salaries, hours of employment, vacations, sick leave, special workman'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 and honest career employees.

"Sec. 5-13. Discrimination prohibited.-It is the policy of the Durham government and its committees, agencies, boards, commissions and authorities that appointment, promotion, demotion, transfer, layoff, disciplinary action, removal, rates of compensation, employee benefits and all other personnel matters shall be determined without respect to race, color, religion, sex, national origin, age (except upon the basis of a bona fide occupational qualification, retirement plan or statutory requirement), political affiliation or any circumstances other than merit and qualification.

The Durham Human Relations Commission shall annually make a survey of the personnel practices of the Durham government and its committees, agencies, boards, commissions and authorities to assess the extent to which the policy of non-discrimination is being followed. The Committee shall make a report of its findings to the Board of Government on the third Monday of January of each year and may make recommendations to the Board for actions or changes in practices the Commission deems appropriate to the full observation of the policy.

The Durham Human Relations Commission is authorized, on its own, to initiate investigations of employment practices and to hear grievances by employees or prospective employees of the Durham government who allege that they have been discriminated against because of race, color, religion, sex, national origin, age, political affiliation or any circumstances other than merit and qualification.

Any employee or prospective employee of the Durham government who claims that he has been discriminated against or denied opportunities because of race, color, religion, sex, national origin, age, political affiliation or any circumstances other than merit and qualification may file a signed, written complaint with the Commission. The complaint shall include the name of the department head, supervisor or officer alleged to have committed the discriminatory practice, a description of the alleged discriminatory practice and any other information required by the Commission. After the filing of the complaint, the Commission shall cause a prompt investigation to be made.

All department heads, supervisors or officers shall cooperate with the Human Relations Commission in the conduct of any investigation.

If the Commission determines after the investigation that there is insufficient evidence to support the complaint, it shall within ten days of the determination give the complainant written notice of its findings. The complaint is then dismissed unless the complainant requests a review hearing within ten days after receipt of the Commission's findings. Upon the request for a review hearing, the Commission shall provide an opportunity for the complainant or his attorney to appear before the Commission and present any additional information to support the allegations of the complaint. The Commission shall also provide an opportunity for the department head, supervisor or officer alleged to have committed the discriminatory practices to be heard. If after hearing the additional information the Commission determines that there is insufficient evidence to support the allegation, the complaint shall be dismissed.

Complainants and employees representing them or testifying at a hearing or assisting in any manner in an investigation under this section shall be free from restraint, interference, retaliation or coercion, at any stage in the presentation and processing of a complaint or at any time thereafter. No employee who has filed a complaint or assisted in any manner in an investigation of a complaint may be subject to loss of pay through discharge or demotion or transfer within 120 days of the date of final action on the complaint by the Human Relations Commission unless and until the Commission finds that no retaliation or reprisal is involved in the personnel action. The Commission is authorized to make an investigation and hold hearings to determine whether retaliation or reprisal is involved in such actions.

If the Commission after any investigation determines that a pattern and practice of discrimination exists, it may endeavor to eliminate the discriminatory practice by persuasion, force of publicity or any other reasonable and appropriate means.

If, after investigation of any complaint, the Commission determines that an applicant for employment has been discriminated against and except for that reason would have been hired, or an employee has been discharged, demoted, denied promotion, transferred against his wishes, or unfairly disciplined solely because of discrimination, it shall make appropriate certification of its findings to the Board of Government. The Board may instruct the Chief Administrative Officer to offer the applicant employment of the type and grade denied, to rehire and award back pay to the discharged employee, to promote and award back pay to the employee denied promotion or demoted, to return to his former position the employee who has been transferred against his will, or to take

any appropriate remedial action in the case of an unfairly disciplined employee including expunction from the personnel record of any reference to any disciplinary action.

"Article 4. Special Appointments.

"Sec. 5-14. Legal department.-The Board of Government shall appoint a chief legal officer to serve at the pleasure of the Board. The chief legal officer provides legal services for the Durham government, and he may appoint necessary assistants.

"Sec. 5-15. Durham government clerk.-The Board of Government shall appoint a Durham government clerk to serve at the pleasure of the Board. The clerk shall keep the record and minutes of the Board and perform any other duties that may be required by law or by the Board.

"Sec. 5-16 through 5-18. Reserved.

"Article 5. Continuing Offices.

"Sec. 5-19. Sheriff continued.-The office of Sheriff of Durham County continues within the Durham government as provided in the Constitution and laws of North Carolina.

"Sec. 5-20. Duties continued.-The duties of the Sheriff of Durham County continue within the Durham government as provided in the Constitution and laws of North Carolina.

"Sec. 5-21. Powers and duties of law enforcement personnel.-The Board of Government may provide for the appointment of law enforcement personnel of varying ranks or grades. Law enforcement personnel of the Durham government have throughout Durham County the arrest powers of a Sheriff and the powers and duties of city police officers under the laws of North Carolina.

"Sec. 5-22. Register of Deeds continued.-The office of Register of Deeds of Durham County continues within the Durham government as provided in the laws of North Carolina.

"Sec. 5-23. Duties continued.-The duties of the Register of Deeds of Durham County continue within the Durham government as provided in the laws of North Carolina.

"Sec. 5-24 through 5-26. Reserved.

"Article 6. Planning and Regulation of Development.

"Sec. 5-27. Creation of planning department; duties and responsibilities.-The Board of Government shall create a professionally-staffed Department of Planning within the administrative structure of the Durham government to take effect on July 1, 1976.

The Department of Planning shall:

(a) Be responsible for current planning, urban renewal planning, research and studies of the Durham area and providing technical assistance to other departments in planning for the Durham government;

(b) Prepare a comprehensive development plan for Durham County and the Durham government based on a survey of land capability and use and on community goals;

(c) Draft recommended zoning ordinances, zoning maps, subdivision regulations and other land development controls in order to implement the comprehensive development plan;

(d) Review requests for changes or amendments to the zoning ordinance and make a report of its recommendations to the appropriate zoning agency;

(e) Review subdivision plans, conduct public hearings, and grant approval or disapproval of proposed plats; no subdivision plat may be filed or recorded by the register of deeds until it has been approved by the Planning Department;

(f) Provide assistance to the Citizens Planning Commission and to other Durham government departments in goal formulation, policy planning, programming, human resource planning, economic planning and data bank operations; and

(g) Perform any other related duties that the Board of Government may authorize or the Chief Administrative Officer may direct.

"Sec. 5-28. Establishment of Citizens Planning Commission; membership.-The Board of Government shall establish a Citizens Planning Commission of seventeen members appointed to three-year staggered terms to take effect on July 1, 1976. The Board shall appoint one member from each of the sixteen electoral districts and a chairman-at-large.

The terms of the initial members of the Commission begin on July 1, 1976. Initially, the chairman and members appointed from Districts 1, 4, 7, 10, 13 and 16 shall serve terms of three years; members appointed from Districts 2, 5, 8, 11 and 14 shall serve terms of two years; and members appointed from Districts 3, 6, 9, 12 and 15 shall serve terms of one year. Thereafter, all terms are three years. No member may serve for more than two consecutive three-year terms.

"Sec. 5-29. Powers and duties of the Commission.-The Citizens Planning Commission:

(a) Shall develop and recommend to the Board of Government proposed statements of comprehensive community goals and objectives in the development of Durham County.

(b) Shall be afforded an opportunity to review all proposed development plans prepared by the Planning Department and all plans for the construction or expansion of public facilities and services by each department, committee, agency, board, commission and authority of the Durham government and to make recommendations on the plans prior to their implementation or adoption by the Board of Government. All departments, committees, agencies, boards, commissions and authorities shall cooperate with the Citizens Planning Commission and provide information and assistance necessary to the Commission's review.

(c) May review requests for amendments to the zoning ordinance and make recommendations to the appropriate zoning agency.

(d) May periodically make comprehensive reviews of the zoning ordinance, zoning map, subdivision regulations and other land development controls; and after its review may make recommendations to the Board of Government or Planning Department and propose amendments to the zoning ordinance, zoning map, subdivision regulations or other land development controls.

(e) May conduct public hearings on any matter that the Commission is authorized to consider except the review of requests for amendments to the zoning

ordinance. The Commission is not authorized and may not be authorized to hold hearings on amendments to the zoning ordinance.

In addition to the powers and duties specified in this section, the Commission may exercise any power or duty not inconsistent with this Article that is conferred on planning commissions by general law.

"Sec. 5-30 through 5-31. Reserved.

"Sec. 5-32. Authority to prescribe planning and zoning procedures.-The Board of Government shall, by ordinance to become effective July 1, 1976, establish one or more agencies to perform the duties set out in Article 19 of Chapter 160A of the General Statutes of North Carolina that are not otherwise specifically provided for in this Article. The Board may designate an officer or one or more agencies to hold any public hearings required by law to be held prior to the adoption or amendment of a zoning ordinance.

"Chapter 6. Boards and Commissions.

"Article 1. Continuation and Creation.

"Sec. 6-1. General power of the Board of Government.-The Durham government, except as limited by this charter or general law or special act of the General Assembly, may create new committees, agencies, boards, commissions and authorities and may abolish or modify any existing committees, agencies, boards, commissions and authorities.

"Article 2. General Provisions.

"Sec. 6-2. Applicability.-Except as expressly provided in this charter, each committee, agency, board, commission and authority established or continued by this charter or hereafter created is subject to the provisions of this Article.

"Sec. 6-3. Equitable representation.-It is the policy of the Durham government that all committees, agencies, boards, commissions and authorities established under this charter, local acts, general law or by ordinance or resolution of the Board of Government be constituted with memberships that equitably represent each race, sex, socio-economic group and geographic area of the county. It is the duty of the Board and any Durham government official who appoints members to committees, agencies, boards, commissions or authorities to implement this policy.

"Sec. 6-4. Terms and vacancies.-Terms begin on February 1 unless the Board of Government provides otherwise. Vacancies are filled in the same manner as the original appointments.

"Sec. 6-5. Compensation.-The Board of Government shall set the compensation and allowances, if any, to be paid members of committees, agencies, boards, commissions and authorities.

"Sec. 6-6. Officers and procedures.-At its initial meeting and in February of each subsequent year, each committee, agency, board, commission and authority shall elect a chairman and may elect other officers. A majority of the members of any committee, agency, board, commission or authority constitutes a quorum. Each committee, agency, board, commission and authority may determine its own rules of procedure. All administrative heads of departments, committees, agencies, boards, commissions and authorities shall cooperate with and provide information about current and proposed



programs and activities to the membership of the committees, agencies, boards, commissions or authorities that serve in an advisory capacity to the administrative heads or to the Board of Government.

"Sec. 6-7 through 6-10. Reserved.

#### "Article 3. Boxing and Wrestling Commission.

"Sec. 6-11. Commission continued.-The Boxing and Wrestling Commission, heretofore created and existing, is continued by this charter.

"Sec. 6-12. Commission membership.-The Boxing and Wrestling Commission consists of five members, appointed by the Board of Government to three-year terms.

"Sec. 6-13. 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 Durham County. No match may be held, however, without the written approval of the Boxing and Wrestling Commission.

"Sec. 6-14. Powers and duties.-The Boxing and Wrestling Commission may:

(a) Establish regulations governing all boxing and wrestling matches staged pursuant to this article and recommend to the Board of Government which of those regulations ought to be enacted as ordinances of the Durham government;

(b) Stop a match at any time, even after approval has been given for the holding of such boxing or wrestling match; and

(c) Fix and collect a uniform license fee for each boxing and wrestling match staged in accordance with this article. 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 recreational, charitable or other public purposes as the Board of Government may direct.

"Sec. 6-15. Penalties for violations.-Any person engaging in, promoting, or aiding and abetting any boxing or wrestling match that has not been approved in writing by 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 more than six months, in the discretion of the court.

"Sec. 6-16 through 6-18. Reserved.

#### "Article 4. Parks and Recreation Advisory Committee.

"Sec. 6-19. Committee continued; membership.-The Recreation Advisory Committee, heretofore created and existing, is continued by this charter under the name of the Parks and Recreation Advisory Committee. The Parks and Recreation Advisory Committee has seventeen members appointed by the Board of Government to four-year staggered terms. The twelve members of the Recreation Advisory Committee serving at the effective date of this charter continue as members of the Parks and Recreation Advisory Committee. The three members whose three-year terms expire in 1976 and the three youth members whose one-year terms expire in 1976 shall serve until February 1, 1976. By February 1, 1976, when the terms of the six above listed members expire, the Board of Government shall appoint six replacement members and five additional members to the Committee. At the initial meeting of the full seventeen-member Committee, all members shall draw lots to determine the lengths of their initial terms.

The terms of eight extend to February 1, 1978, and the terms of nine extend to February 1, 1980.

The Board shall replace the eight members whose terms extend to February 1, 1978, by appointing members from Districts 1, 3, 5, 7, 9, 11, 13 and 15. Those members shall be appointed to four-year terms and shall be replaced by members residing in the same electoral district from which they were appointed.

The Board shall replace the nine members who serve until February 1, 1980, by appointing one member from the Durham government at-large and members from Districts 2, 4, 6, 8, 10, 12, 14 and 16. Those nine members shall be appointed to four-year terms and shall be replaced by members residing in the same electoral district from which they were appointed or, in the case of the member at-large, shall be replaced from the Durham government at-large.

The Board shall make each at-large appointment by appointing one of two persons nominated by the Mayor. In making district appointments, the Board shall appoint one of two persons nominated by the member of the Board of Government from that district.

No member may serve for more than two consecutive four-year terms.

"Sec. 6-20. Officers.-In February of each year, the Parks and Recreation Advisory Committee shall elect a chairman, vice-chairman and secretary from among its members.

"Sec. 6-21. Powers and duties.-The Parks and Recreation Advisory Committee shall advise the director of parks and recreation and the Board of Government with respect to program activity and the need for and site location of parks and recreation facilities.

"Sec. 6-22 through 6-23. Reserved.

"Article 5. Durham Public Library.

"Sec. 6-24. Board and Library continued.-The Board of Trustees for the Durham City-County Library, heretofore created and existing, is continued by this charter under the name of the Board of Trustees for the Durham Public Library. Except as provided in this article, the Board and the library shall operate under the provisions of the general laws of the State.

"Sec. 6-25. Membership.-The Board of Trustees for the Durham Public Library shall consist of sixteen trustees appointed by the Board of Government to three-year staggered terms. The Board shall appoint one trustee from each of the sixteen electoral districts. No trustee may serve more than two consecutive three-year terms.

In appointing trustees, the Board of Government shall consider recommendations from the Board of Trustees and from interested community groups. The Board of Government may remove a trustee for incapacity, unfitness, misconduct, or neglect of duty.

"Sec. 6-26. Transition.-The twelve trustees of the Board of Trustees serving at the effective date of this charter continue as trustees for the Durham Public Library until the February 1 following the effective date of the Durham government at which time the Board of Government shall appoint sixteen trustees as provided in Section 6-25. Initially, the Board shall appoint trustees from Districts 1, 3, 5, 7, 9, 11, 13 and 15 to two-year terms and shall appoint trustees from Districts 2, 4, 6, 8, 10, 12, 14, and 16 to three-year terms. Thereafter, all terms are three years.

"Sec. 6-27 through 6-29. Reserved.

"Article 6. Durham City Board of Education.

"Sec. 6-30. City Board of Education not affected.-Nothing in this charter affects the powers and duties of the Durham City Board of Education.

"Sec. 6-31. Appointment.-The Board of Government shall appoint the members of the Durham City Board of Education. Members of the Durham City Board of Education shall reside within the boundaries of the city school administrative unit.

"Sec. 6-32 through 6-35. Reserved.

"Article 7. Durham County Board of Education.

"Sec. 6-36. County Board of Education not affected.-Nothing in this charter affects the powers or duties of the Durham County Board of Education.

"Chapter 7. Finances.

"Article 1. Revenue and Taxing Limitations.

"Sec. 7-1. General authority to levy taxes and impose charges.-The Durham Government may levy any tax and impose any fee or charge authorized by this charter or by the general laws of the State for cities and counties, subject to any limitations imposed by this charter.

"Sec. 7-2. Property tax administration.-Property in Durham County shall be listed, appraised and assessed and taxes on property shall be levied and collected as provided by general law for counties, except as otherwise provided in this charter.

"Sec. 7-3. Property taxation authority and limitations.-The Durham government may levy taxes on property to support any service, facility or function it is authorized to undertake by this charter or by the general laws of the State for cities or counties. The property tax levied throughout its jurisdiction may not be levied at an effective rate exceeding one dollar on the one hundred dollars of appraised valuation. The property tax levied within any urban service district for the support of purposes of the district may not be levied at an effective rate exceeding one dollar and fifty cents on the one hundred dollars of appraised valuation.

These limitations do not apply to property taxes levied (a) for debt service on general obligation bonds and notes of the Durham government, (b) for the support of the public schools or (c) pursuant to a special vote of the people.

The Durham government is subject to these limitations only and not to any imposed on counties or cities by the general laws of the State.

"Sec. 7-4. Privilege license taxation.-The Durham government may levy throughout Durham County privilege license taxes as authorized for counties under the general law of the State. The Durham government may levy within any urban service district privilege license taxes as authorized for cities and towns under the general law of the State.

"Sec. 7-5. Dog taxes.-The Durham government may levy throughout Durham County the dog tax authorized for counties by general law. It may not levy the dog tax authorized for cities in G.S. 160A-212.

"Sec. 7-6. CATV franchise tax.-The Durham government may levy throughout Durham County the cable television franchise tax authorized by G.S. 160A-214.

"Sec. 7-7. Motor vehicle license tax.-The Durham government may levy the motor vehicle license tax authorized by G.S. 20-97.

"Sec. 7-8. Taxicab license tax.-The Durham government may levy within any urban service district the taxicab license tax authorized by G.S. 20-97.

"Sec. 7-9 through 7-11. Reserved.

"Article 2. Borrowing and Indebtedness.

"Sec. 7-12. Authority to issue bonds.-The Durham government may issue its general obligation or revenue bonds for any purpose for which either county or city governments in North Carolina are authorized to issue general obligation or revenue bonds under the general laws of the State.

"Sec. 7-13. Procedure for issuing bonds.-In issuing its general obligation and revenue bonds the Durham government is subject to the Local Government Finance Act, Chapter 159 of the General Statutes of North Carolina. However, if a proposed bond issue is required by law to be submitted to and approved by the voters of the Durham 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 Durham government and by a majority of the total of those voting in all the affected or to be affected urban service districts.

"Sec. 7-14. Debt limitations.-  
(a) The Durham government may contract net indebtedness in the form of general obligations for water, sewerage, gas and electric purposes without limitation.

(b) The Durham government may contract net indebtedness in the form of general obligations for school purposes in any amount less than eight percent of the appraised valuation of taxable property in the county.

(c) For purposes other than those specified in paragraphs (a) and (b) of this section, the Durham government may contract net indebtedness in the form of general obligations in any amount less than eight percent of the appraised valuation of taxable property in the county.

(d) No other debt limitations applying to counties and cities in North Carolina apply to the Durham government.

"Sec. 7-15 through 7-18. Reserved.

"Article 3. Financing Services of the Durham Service District  
and of Urban Service Districts.

"Sec. 7-19. Districts.-The Durham Service District extends throughout Durham County. The Board of Government may define urban service districts under procedures of general law. It is the intent of this charter that the Board will define as an urban service district the total area included immediately before the effective date of this charter within the City of Durham. Other urban service districts may be defined later as provided by the general laws of the State.

"Sec. 7-20. Provision of services and allocation of costs.-All services, facilities and functions provided or maintained by the Durham government shall be provided or maintained for the Durham 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 Durham 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 for the Durham 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 Board of Government shall determine an equitable basis for allocating the costs of administrative services of the Durham government among services, facilities and functions.

The budgets for the Durham Service District and for each urban service district, including the plan for providing services, allocating costs and raising necessary revenues, shall be prepared and adopted as provided in Article 7 of this chapter.

"Sec. 7-21 through 7-23. Reserved.

"Article 4. Allocation of Revenues.

"Sec. 7-24. Revenues allocated to the Durham Service District.-The following revenues shall be allocated to the Durham Service District:

- (a) Excise stamp tax. Proceeds of the excise stamp tax on conveyances levied by Article 8E of Chapter 105 of the General Statutes of North Carolina.
- (b) Privilege license tax. Proceeds of any privilege license taxes levied throughout Durham County as authorized in Section 7-4 above.
- (c) Dog tax. Proceeds of any dog tax levied as authorized in Section 7-5 above, which may be used for any county-wide purpose.
- (d) CATV franchise tax. Proceeds of any cable television tax levied as authorized in Section 7-6 above.
- (e) Other. All revenues that are not otherwise explicitly allocated in this article.

"Sec. 7-25. Revenues allocated to urban service districts.-

- (a) Powell Bill distribution. 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 city or town.

- (b) Traffic penalties. Civil penalties collected for violations of urban service district traffic ordinances shall be allocated to the urban service district in which the violation occurred.

(c) 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 has taxable situs.

(d) Privilege license taxes. The proceeds from any privilege license tax levied only in an urban service district shall be allocated to the district in which it is levied.

"Sec. 7-26. Revenues to be allocated by the Board of Government.-The following revenues are to be allocated among the Durham Service District and any urban service districts in the discretion of the Board of Government:

(a) Beer and wine crown tax receipts. The entire portion of the beer and wine crown tax returned to Durham County under the provisions of G.S. 105-113.86(p).

(b) Durham County sales tax. The entire portion of the Durham County sales tax receipts distributed to local governments in Durham County under the provisions of G.S. 105-472.

(c) ABC revenue. The entire profits distributed from ABC stores in Durham County.

(d) Franchise tax receipts. The share of the State franchise tax on public service companies levied under G.S. 105-116(a) and G.S. 105-120(d) that is due the Durham government by reason of the sale of public service company commodities and services within any urban service district.

(e) Federal revenue sharing. The entire portion of all funds made available for local governments in Durham County under the State and Local Fiscal Assistance Act of 1972.

"Sec. 7-27. Intangibles taxes for distribution.-The intangible tax proceeds distributed to Durham County under G.S. 105-213 shall be divided among the Durham Service District and any urban service districts as if the Durham Service District were a county and each urban service district were a city.

"Sec. 7-28. Arrest fees.-The arrest fee provided for in G.S. 7A-304(a)(1) shall be allocated between the Durham Service District and each urban service district in proportion to law enforcement expenditures in each district in the previous fiscal year.

"Sec. 7-29. Fees and charges.-All fees and charges imposed by the Durham 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 Durham Service District and to a greater extent for one or more urban service districts, the Board of Government shall determine the proportionate allocation of the fee or charge.

"Sec. 7-30 through 7-32. Reserved.

"Article 5. Local Improvements.

"Sec. 7-33. Authority.-The Durham government has the authority granted to counties and cities by the general laws of the State with respect to local improvements, including without limitation, grading, regrading, widening, paving and repaving public streets and alleys; constructing, reconstructing, and altering 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.

"Sec. 7-34. Alternative procedures for street, sidewalk and drainage improvements.-The Board of Government, acting in accordance with all other procedures set forth in Article 10 of Chapter 160A of the General Statutes of North Carolina, may order the making of any street, drainage or sidewalk improvement and specially assess the cost thereof against benefited property without receiving a petition as specified in G.S. 160A-217(a).

In lieu of, or in addition to, providing for the payment of special assessments in annual installments as authorized in G.S. 160A-232, the Board may provide for payment in 12 or more monthly installments.

The Board may apportion special assessments as provided in G.S. 160A-236 without the consent of any property owners.

"Sec. 7-35. Assessments for sidewalk repairs.-If the Board of Government determines that the public interest requires repair of a sidewalk or of a driveway within the public right-of-way, the Board may order the making of the repair and assess all, or part, of the total cost against the property abutting the sidewalk or driveway repaired. At least 30 days before exercising this authority, the Board shall cause written notice to be given to the abutting property owner personally or by registered or certified mail to his address as shown on the tax records. The notice shall state that the property owner is required to make the repair at his own expense in conformity with the standards adopted by the Durham government, and that, if he fails to make the repair within 30 days after notice is served, the Durham government thereupon may make the repair and assess the cost. If the Board finds that any sidewalk or driveway is in need of immediate repair, the Board 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 any property owner affected.

"Sec. 7-36. Authority to require water and sewer laterals.-If the Board of Government orders the making of a street or sidewalk improvement, it may also order each owner of a lot abutting the part of the street to be improved to connect his lot by means of laterals with water mains or sewer lines located in the street prior to the making of the street and sidewalk improvements. The Board shall cause written notice of the order to install laterals to be given to each owner of abutting property personally or by registered or certified mail to his address as shown on the tax records. If any owner fails to install laterals within 30 days after the notice is served, the Board may direct that the laterals be installed and assess the cost against the lot(s) served.

"Sec. 7-37. Planting strip and driveway maintenance.-It is the responsibility of the abutting property owner to maintain any property, including sidewalks and driveways, between the property line and the curb, pavement or traveled way of a street except that maintenance of drainage facilities, including open ditches, shall be the responsibility of the Durham government.

"Sec. 7-38 through 7-40. Reserved.

"Article 6. Special Financing Powers.

"Sec. 7-41. Appropriations for museums, zoos and gardens.-The Board of Government may make appropriations from non-property tax funds to non-profit associations or corporations to aid in the support of museums in which there are

collections of art, painting, sculptures, historical and scientific exhibits and other works or exhibits for the cultural and educational benefit of the people of the county; to aid in the maintenance of a park, zoo, aviary, aquarium or other facility in which are kept animals, birds or fish; to support botanical gardens; and to aid in the support of dramatic and cultural activities for the benefit of the community. No appropriation may be made to any association or corporation whose programs or facilities are not open to the general public.

"Sec. 7-42 through 7-45. Reserved.

"Article 7. Budgeting and Fiscal Control.

"Sec. 7-46. Application of general law.-The Durham government is subject to the Local Government Finance Act, Chapter 159 of the General Statutes of North Carolina, except as modified in this Chapter.

"Sec. 7-47. Preparation and adoption of budget.-The Chief Administrative Officer is responsible for preparing the annual budget as provided in general law, except that he shall prepare the budget in separate parts: one for the Durham Service District (county-wide) and one for each urban service district. Each part as prepared by the Chief Administrative Officer and as adopted by the Board of Government shall be balanced.

The costs of providing each service, function or activity shall be allocated (a) to the part of the budget (Durham Service District or an urban service district) corresponding to the district in which the service, function or activity is to be provided or (b) in proportion to the extent to which each is to be provided in the event a higher level of some service, function or activity is to be provided in an urban service district than is to be provided county-wide.

Each urban service district is responsible for the financing of its appropriate share of debt service on all bonds issued by the Durham 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 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.

"Chapter 8. General Provisions.

"Article 1. Claims Against the Government.

"Sec. 8-1. Notice of claims.-No action against the Durham government for damages of any character whatever, to either person or property, may be instituted against the Durham government unless the injured party, or his executors or administrators, has given written notice to the Durham government of the injury or damages at least sixty days in advance of the filing of the action. 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 person involved, the character of the injury and the amount of damages claimed. This notice does not prevent any applicable statute of limitations from commencing to run at the date of the happening or infliction of the injury, or in any manner interfere with its running.

"Sec. 8-2 through Sec. 8-5. Reserved.



"Article 2. Eminent Domain.

"Sec. 8-6. Powers and procedures.- (a) The Durham government may exercise the power of eminent domain for any purpose that counties or cities may exercise the power under the general laws of the State at or after the effective date of this charter.

(b) The Durham government may exercise the power of eminent domain by any of the following procedures or by any other procedure available to cities and counties by general law:

- (1) Those set out in Article 11 of Chapter 160A of the General Statutes of North Carolina, or
- (2) Those set out in Article 2 of Chapter 40 of the General Statutes of North Carolina, or
- (3) Those set out in Article 9 of Chapter 136 of the General Statutes of North Carolina.

"Sec. 8-7 through Sec. 8-10. Reserved.

"Article 3. Special Powers.

"Sec. 8-11. Special powers.- In addition to having all the powers, duties, rights, privileges and immunities that counties and cities may exercise, the Durham government shall have the power:

(a) In addition to the powers granted in G.S. 160A-303, to enact ordinances authorizing the removal of abandoned or junked motor vehicles from private property without the written request or consent of the owner of the property on which the vehicle is located.

(b) To require, in accordance with the procedures of G.S. 160A-443, the owner of an unfit dwelling that can be repaired at a reasonable cost, within the time specified in the order, to repair, alter or improve the dwelling to render it fit for human habitation or to vacate, close or demolish the dwelling.

(c) To provide for the amortization and phasing out of non-conforming buildings and uses under the reasonable terms and provisions, including a period of time, as seems just and proper to the Board of Government.

(d) To provide for the construction and installation of storerooms, restaurants, observation decks, heliports, offices and other facilities in and upon off-street parking facilities and water storage structures and tanks. The Durham government may lease these storerooms, restaurants, observation decks, heliports, offices and other facilities upon such terms and conditions as the Board of Government may prescribe.

"Sec. 8-12 through Sec. 8-13. Reserved.

"Article 4. Formation of Other Political Subdivisions.

"Sec. 8-14. Procedure; Board of Government's consent.- The Board of Government'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 established to operate within the jurisdiction of the Durham government. Any person petitioning a State, county or municipal governmental body for the creation of a political subdivision within the jurisdiction of the Durham government shall file with the Board a certified copy of the petition at the same time he files the petition with the other governmental body. If the

Board fails to adopt a resolution either withholding or giving consent to the petition by its second regular meeting following receipt of the petition, it is deemed to have consented. If the Board withholds consent, the petition and other 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 resolution withholding consent was adopted. If the Board consents, the petition shall be acted on according to the procedure established by law for the creation of the proposed political subdivision.

"Sec. 8-15 through Sec. 8-17. Reserved.

"Article 5. Changes in Form and Structure of Government.

"Sec. 8-18. Authority to modify the form and structure of government.-The voters of the Durham government may amend this charter to modify the form and structure of the Durham government with respect to matters specified under G.S. 160A-101 except that the size of the governing board may be changed to any number of members.

"Sec. 8-19. Method of modifying the form and structure of government.-Modification of the form and structure of the Durham government shall be made pursuant to the procedures set forth in Part 4 of Article 5 of Chapter 160A of the General Statutes of North Carolina except that no modification may become effective until approved by the voters in a referendum.

"Sec. 8-20 through Sec. 8-24. Reserved.

"Article 6. Intent and Severability.

"Sec. 8-25. Intent and Severability.-The people residing within the area of the Durham government declare that by the adoption of this charter it is their intent to consolidate the governmental and corporate functions of the City of Durham and the County of Durham so that the consolidating governments may be operated as one governmental entity in the interest of efficient, economical, responsive and responsible democratic government. This charter shall continue in full force and effect even if any of its severable provisions not essential to this objective is held unconstitutional or void, and each provision of this charter is severable from each other provision.

"Chapter 9. Prohibition of Discrimination.

"Article 1. Unlawful Practices.

"Sec. 9-1. Declaration of policy.-It is the policy of the Durham government to exercise its police powers to protect the safety and general welfare and to maintain the peace and dignity of Durham County by prohibiting discriminatory practices in employment, housing and places of public accommodation.

"Sec. 9-2. Definitions.-As used in this chapter:

(a) 'Employer' means any person who employs fifteen or more employees, but the term does not include any religious, fraternal, charitable, or sectarian organization that is not funded in whole or in part by any local, State or federal appropriations.

(b) 'Employment agency' means any person regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer.

(c) 'Housing unit' means any building or structure which is occupied as, or designed or intended for occupancy as, a permanent or temporary residency by one or

more persons, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building or structure.

(d) 'Labor organization' means any organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rate of pay, hours or other terms or conditions of employment.

(e) 'Person' means an association, partnership or corporation, as well as a natural person. The term 'person' as applied to partnerships or other associations includes their members and as applied to corporations includes their officers. It includes any broker, agent, salesman or other person acting in behalf of another in the sale, lease or rental of any housing unit.

(f) 'Public accommodation' means a business, accommodation, entertainment, refreshment, recreation, resort, amusement or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, advantages or accommodations are extended, offered, sold or otherwise made available to the public.

"Sec. 9-3. Unlawful employment practices.-It shall be an unlawful employment practice:

(a) For an employer to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual directly or indirectly with respect to his compensation, terms, conditions, or privileges of employment, because of the individual's race, color, religion, sex, national origin, age (except upon the basis of a bona fide occupational qualification, retirement plan or statutory requirement), political affiliation or any circumstances other than merit and qualification.

(b) For an employer to limit, segregate, or classify his employees, through a quota system or otherwise, that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of the individual's race, color, religion, sex, national origin, age (except upon the basis of a bona fide occupational qualification, retirement plan or statutory requirement), political affiliation or any circumstances other than merit and qualification.

(c) For an employment agency to fail or refuse to refer for employment, or otherwise to discriminate by denying or limiting through a quota system or otherwise, the employment or membership opportunity to any group or individual because of race, color, religion, sex, national origin, age (except upon the basis of a bona fide occupational qualification, retirement plan or statutory requirement), political affiliation or any circumstances other than merit and qualification, or to classify or refer for employment in accordance with his classification any individual on the basis of race, color, religion, sex, national origin, age (except upon the basis of a bona fide occupational qualification, retirement plan or statutory requirement), political affiliation or any circumstances other than merit and qualification, or to classify or refer for employment in accordance with his classification any individual on the basis of race, color, religion, sex, national origin, age (except upon the basis of a bona fide occupational qualification, retirement or statutory requirement), political affiliation or any circumstances other than merit and qualification.

(d) For a labor organization to exclude or to expel from its membership, or otherwise to discriminate by denying or limiting through a quota system or otherwise the employment or membership opportunity to any group or individual because of race, color, religion, sex, national origin, age (except upon the basis of a bona fide occupational qualification, retirement plan or statutory requirement), political affiliation or any circumstances other than merit and qualification.

(e) For a labor organization to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or affect adversely his wages or employment conditions because of the individual's race, color, religion, sex, national origin, age (except upon the basis of a bona fide occupational qualification, retirement plan or statutory requirement), political affiliation or any circumstances other than merit and qualification.

(f) For a labor organization to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(g) For any employer, labor organization, employer's association or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, national origin, age (except upon the basis of a bona fide occupational qualification, retirement plan or statutory requirement), political affiliation or any circumstances other than merit and qualification, in admission to, membership in, or with respect to terms, conditions of employment or training, placement or other benefits in any program established to provide apprenticeship or other training.

(h) For any employer, employment agency or labor organization to penalize or discriminate in any manner against any individual because he has opposed any practice forbidden by this chapter or because he has made a complaint, or testified or assisted in any manner in any investigation or proceeding under this chapter.

(i) For any employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by the employer or membership in or any classification or referral for employment by the labor organization, or relating to any classification or referral for employment by the employment agency, indicating any preference, limitation, specification, or discrimination based on race, color, religion, sex, national origin or age, except that a notice or advertisement may indicate a preference, limitation or specification where discrimination based on religion, sex, national origin or age is a bona fide occupational qualification for employment.

(j) It shall not be an unlawful employment practice (1) for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining program to admit or employ any individual in any such program on the basis of his

religion, sex, national origin or age where there is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; (2) for a school, college, university or other institution of learning to hire and employ employees of a particular religion if the school, college, university or other institution of learning is directed toward the propagation of a particular religion; (3) for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that the differences are not the result of an intention to discriminate because of race, color, religion, sex, national origin or age; or (4) for an employer to give and to act upon the results of any professionally developed ability test provided that the test, its administration or action upon the results are not designed, intended or used to discriminate because of race, color, religion, sex, national origin or age.

This section shall not apply to a religious corporation, association, educational institution or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by the corporation, association, educational institution or society of its activities.

(k) It shall be a defense to a charge of an unlawful employment practice under this chapter that the conduct complained of occurred pursuant to compliance with an affirmative action plan approved by a department of the United States or an order of any department or agency of the United States.

"Sec. 9-4. Unlawful public accommodation practices.-It shall be an unlawful public accommodation practice for any owner, lessee, proprietor, manager, agent or employee of a place of public accommodation:

(a) To withhold from or deny to an individual any of the services, advantages, facilities or privileges offered by the public accommodation because of the individual's race, color, religion, sex or national origin, provided that the right to individual and/or group privacy based on sex is not invaded.

(b) To communicate, advertise or represent that any services, advantages, facilities, or privileges offered by the place of public accommodation will be refused, withheld, or denied to any individual on account of his race, color, religion, sex or national origin.

"Sec. 9-5. Unlawful housing practices.-It shall be an unlawful housing practice for any person:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a housing unit to any individual because of race, color, religion, sex or national origin.

(b) To discriminate against any individual in the terms, conditions, or privileges of sale or rental of a housing unit, or before or after sale, lease or rental, in the provision of services, facilities, or privileges in connection with the housing units because of race, color, religion, sex or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with the respect to the sale or rental of a housing

unit that indicates any preference, limitation or discrimination based on race, color, religion, sex or national origin, or an intention to make any such preference, limitation or discrimination.

(d) To represent to any individual because of race, color, religion, sex or national origin that any housing unit is not available for inspection, sale or rental when the housing unit is in fact available.

(e) For profit, to induce or attempt to induce any individual to sell or rent any housing unit by representations regarding the entry or prospective entry into the neighborhood of an individual or individuals of a particular race, color, religion, sex or national origin.

(f) For any bank, building and loan association, insurance company or other enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to an individual applying for financial assistance for the purpose of purchasing, constructing, improving, repairing or maintaining a housing unit, or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of the loan or other financial assistance because of the race, color, religion, sex or national origin of the individual or of any individuals associated with him in connection with the loan or other financial assistance or the purposes of such loan or other financial assistance, or the present or prospective owners, lessees, tenants or occupants of the housing unit in relation to which the loan or other financial assistance is to be made or given.

(g) For any person engaged in the business of selling insurance with respect to housing units to discriminate against any individual in the price, terms or conditions of insurance because of his race, color, religion, sex or national origin.

(h) To deny any individual access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing units, or to discriminate against him in the terms or conditions of access, membership, or participation, on account of race, color, religion, sex or national origin.

Nothing in this section shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of housing units which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in the religion is restricted on account of race, color, sex or national origin.

This section shall not apply to (1) any single-family house sold or rented by an owner if the private individual owner does not own more than three single-family houses at any one time, the house is sold or rented without the use in any manner of the sales or rental facilities or services of a real estate broker, agent or salesman, or the sales or rental facilities or services of any person in the business of selling or renting housing units, and the house is sold or rented without the publication or mailing of an advertisement in violation of Section 9-5(c) above, except that in the case of the sale of a single-family house by a private individual owner who was not the most recent

resident of the house prior to its sale, the exemption granted by this paragraph applies only to one such sale within any twenty-four month period; (2) rooms or units in housing units containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence; or (3) the rooming placement of students by private and public institutions of higher education.

"Sec. 9-6. Time limitation on bringing charge.-Any charge of an unlawful practice under this chapter must be filed with the Durham Human Relations Commission within 180 days from the date of the alleged discriminatory action.

"Article 2. Durham Human Relations Commission.

"Sec. 9-7. Commission established; membership; organization.-Within six months after the establishment of the Durham government, the Board of Government shall establish the Durham Human Relations Commission to replace the previously existing Human Relations Commission of the City of Durham.

(a) The Durham Human Relations Commission shall be composed of seventeen members appointed by the Board of Government to four-year staggered terms. The Board shall appoint one member from each of the sixteen electoral districts and a chairman at large.

(b) The Mayor shall nominate at least three persons for appointment as chairman. Each member of the Board of Government shall nominate at least three persons who reside in the electoral district from which the Board member is elected for appointment as the Commission member from that district.

(c) The Board shall appoint one of the persons nominated by the Mayor as the chairman of the Commission. The Board shall appoint one of the persons nominated by each Board member as the Commission member from the Board member's district.

The membership of the Durham Human Relations Commission shall consist of no more than ten persons of the same race and no more than ten persons of the same sex.

Initially the chairman and members appointed from Districts 1, 3, 5, 7, 9, 11, 13 and 15 shall be appointed to two-year terms; and members appointed from Districts 2, 4, 6, 8, 10, 12, 14 and 16 shall be appointed to four-year terms. Thereafter, all terms are four years.

(d) The Chairman shall select four hearing panels of four persons each from the Commission. Three of the hearing panels shall be designated to consider and hear complaints arising under Sections 9-3, 9-4, and 9-5 of this charter respectively. The fourth panel may consider and hear any other complaints or complaints arising under more than one section of the charter. The Chairman shall designate which hearing panel is to consider and hear each complaint or charge.

The Commission, by a majority vote of the full membership, shall adopt rules and regulations with respect to the operations of the hearing panels and not inconsistent with the provisions of this chapter. The rules shall provide for the terms of members on the hearing panels, for any rotation of members deemed desirable by the Commission, for the selection and term of the chairman of the hearing panels, and for any other matters in the discretion of the Commission.

"Sec. 9-8. Meetings.-The Commission shall fix the time, day and place of its regular meetings and shall hold at least one regular meeting each month. The Chairman, or in his absence the Vice-Chairman or, in the absence of both, the Director, may call a special meeting of the Commission. The person calling a special meeting shall, at least twelve house in advance of the meeting, cause notice of the meeting to be given to each member of the Commission.

The Chairman, or in his absence the Vice-Chairman or, in the absence of both, the Director, may call a meeting to deal with an emergency. The notice provisions for special meetings do not apply to emergency meetings. The Commission shall establish procedures for calling an emergency meeting.

The Commission shall not take any action concerning a complaint of an unlawful practice under this chapter at an emergency meeting, or at a special meeting unless notice of the meeting has been given to each member of the Commission at least seven days before the meeting.

"Sec. 9-9. Powers and duties.-In order to carry out the general intent and purpose of this charter, the Durham Human Relations Commission shall have the following powers and duties:

(a) To receive, investigate, mediate, conciliate and resolve complaints of unlawful practices brought under this chapter.

(b) To take all actions authorized under Section 5-13 of this charter.

(c) To develop an atmosphere conducive to the best possible human relations, to conduct studies, suggest areas of concern and recommend any action to the Board of Government that the Commission feels is necessary and may be lawfully taken to minimize areas of conflict and to promote harmonious relations.

(d) To provide open channels of useful communication among the various racial, religious, ethnic and economic groups in Durham County, and between those groups and the Board of Government so that misunderstandings and wide differences leading to conflict may be ameliorated.

(e) To do research, obtain factual data, hold meetings with citizens and consider and recommend the best and fairest means of progressively improving human relations among all citizens of Durham County.

(f) To institute and conduct educational programs that promote fairness and courtesy in dealing with people of all racial, religious, ethnic, and economic backgrounds and status and that promote equal treatment, equal opportunity and mutual understanding and respect for all citizens; and to sponsor meetings, forums and courses of instruction intended to lead to a clearer understanding by all citizens of the true meaning of responsible citizenship in the community and of the obligations inherent in being a good citizen; all with the end in view that the programs should contribute in a helpful way to the elimination of hatred and bitterness by people of different racial, religious, ethnic or economic status toward each other and to the reaching of a fair and just solution of problems in human relations.

(g) To render an annual written report of its work to the Board of Government. The Commission may make recommendations to the Board and propose legislation that the Commission considers desirable.



"Sec. 9-10. Director of Durham Human Relations Commission.-The Chief Administrative Officer shall appoint a Director of Human Relations who shall be an employee of the Durham government. The Chief Administrative Officer shall consult with the Commission prior to making the appointment of a Director and may not appoint any person whose appointment is opposed by a resolution adopted by an affirmative vote of at least eight members of the Commission.

"Sec. 9-11. Duties and powers.-The Director shall provide clerical assistance and research support to the Commission, conduct the initial investigation of a complaint brought under Article 3 and shall perform any other duties the Commission directs. The Director shall be a person who supports the amelioration of conflicts and tensions among racial, ethnic or economic groups and equal rights, responsibilities and privileges of all citizens of the Durham government. The Director shall work closely with the Commission in planning, promoting, coordinating and operating programs relating to human relations in Durham County. He shall attend official meetings of the Commission and may participate in those meetings, but shall have no vote. He shall maintain liaison with a wide variety of groups, organizations and individuals of the community, as well as between the Commission and the Board of Government and other governmental departments and agencies. He shall be directly responsible for efficient, effective and dependable communications being established and maintained between the various groups and the Durham government.

"Sec. 9-12 through 9-13. Reserved.

"Article 3. Procedures for Hearing Complaints.

"Sec. 9-14. Filing of complaint.-Any person claiming to be aggrieved by an unlawful practice as set forth in Article 1 of this chapter may file a signed, sworn complaint with the Commission. The complaint shall state the name and address of the person alleged to have committed the unlawful practice, a description of the nature, time and place of the alleged unlawful practice and any other information required by the Commission. The complaint shall not be made public by the Commission. Within ten days after receipt of a complaint, the Commission shall cause a copy to be served upon the person alleged to have committed the unlawful practice, hereinafter designated respondent.

"Sec. 9-15. Investigation of the complaint; Director.-After the Commission has caused a copy of the complaint to be served upon the respondent, the Director of the Commission or any staff member he designates shall outline to the respondent his rights and the procedures available under this Article. The Director or his designee shall then investigate the complaint of the alleged unlawful practice as promptly as possible and within 30 days.

"Sec. 9-16. Dismissal of complaint; Director.-If the Director, after his investigation, determines that there is no probable cause to believe that an unlawful practice has occurred, he shall give the complainant written notice of his findings. The complaint shall be dismissed unless the complainant requests a review by the appropriate hearing panel of the Commission within ten days after receipt of the Director's findings. A request for review of a finding of no probable cause by the Director shall be filed by the complainant with the Chairman of the Commission.

"Sec. 9-17. Mediation and conciliation; Director.-If the Director determines in his investigation of a complaint that there is probable cause to believe that an unlawful practice has occurred, the Director shall endeavor to eliminate the unlawful practice by informal methods of conference, mediation and conciliation.

The Director shall not make public any complaint, investigation, or mediation or conciliation efforts.

"Sec. 9-18. Hearing on complaint dismissed by Director.-Within ten days after receipt from a complainant of a request for a review of a finding of no probable cause by the Director, the Chairman shall convene the appropriate hearing panel of the Commission. The Chairman shall cause notice of the review hearing to be given to the complainant and the respondent at least seven days prior to the date of the review hearing. The hearing panel shall provide an opportunity for the complainant or his attorney to appear before the panel and present any additional evidence to support the allegations in the complaint. The hearing panel shall also provide an opportunity for the person alleged to have committed the unlawful practice to be represented by counsel and to be heard.

If the hearing panel finds no probable cause, the complaint shall be dismissed and there shall be no further review of the decision.

If the hearing panel finds that there is probable cause to believe that an unlawful practice has occurred, the panel shall reinstate the complaint and direct the Director to endeavor to eliminate the unlawful practice by informal methods of conference, mediation and conciliation.

The hearing on a complaint dismissed by the Director shall not be public and shall be conducted informally.

"Sec. 9-19. Mediation and conciliation; hearing panel.-The Director, at any time during his attempt to eliminate the unlawful practice through informal methods, may request mediation and conciliation assistance from the appropriate hearing panel of the Commission. If the Director has failed in assisting the complainant and respondent to reach a conciliation agreement within sixty days after the filing of a complaint, he shall request assistance in mediation and conciliation from the appropriate hearing panel.

The panel shall offer its assistance promptly.

Meetings of hearing panels for the purposes authorized by this section shall be closed to the public and the members of the panels shall not make public any complaint, investigation, or mediation or conciliation efforts.

"Sec. 9-20. Panel hearing on issuance of cease and desist order.-If within 75 days after a complaint has been filed the complaint has neither been dismissed nor a conciliation agreement reached by the complainant and the respondent, the chairman of the appropriate hearing panel shall schedule a hearing that is open to the public to determine if the hearing panel should recommend to the Commission that a cease and desist order should be issued.

The chairman of the hearing panel shall set the date for the hearing and provide the complainant and the respondent with at least 14 days' notice of the date, time and place of the hearing. The notice shall also include a statement of the purpose of the hearing and the specific complaints or charges that will be heard.

At the hearing the complainant shall have the burden of persuasion. The complainant may be assisted by the Director and may be represented by counsel.

The respondent may be represented by counsel, may submit evidence, and may cross-examine witnesses.

The formal rules of evidence governing litigation in the courts shall not apply, but only reliable evidence may be admitted by the hearing panel.

The chairman of the hearing panel shall cause the hearing to be recorded verbatim.

Within 10 days after the hearing the panel shall summarize its findings of facts and reach a conclusion as to its recommendation on the issuance of a cease and desist order.

If it is the recommendation of the hearing panel that a cease and desist order should not be issued, the complaint shall be dismissed and there shall be no further review of the decision.

If it is the recommendation of the hearing panel that a cease and desist order should be issued by the Commission, the chairman of the hearing panel shall transmit the panel's findings of facts and recommendation to the Commission in writing. The chairman of the panel shall at the same time cause a copy of the panel's transmittal to the Commission to be delivered to the complainant and the respondent.

"Sec. 9-21. Review of panel findings and recommendation of Commission; dismissal of issuance of cease and desist order.-Within 30 days after receipt of the findings and recommendation of the hearing panel, the Commission shall review the findings and recommendation in a meeting that is open to the public. At least 10 days prior to this meeting, the Chairman of the Commission shall cause notice of the meeting to be given to the complainant and the respondent. Notice shall advise the complainant, the respondent and the Director that each will be given an opportunity to be heard at the meeting personally or by counsel. Except for good cause shown, no additional evidence may be admitted at the review meeting.

The Commission, after consideration of the record and the testimony of the complainant, the respondent and the Director, shall either approve the findings of facts as reported by the hearing panel or substitute its own findings.

If the Commission finds that no unlawful practice has occurred, it shall dismiss the complaint.

If the Commission finds that an unlawful practice has occurred, it shall issue an order requiring the respondent to cease and desist from the unlawful action.

"Sec. 9-22. Information volunteered by respondent.-No information voluntarily given by a respondent to the Commission regarding an alleged violation of this Chapter may be used against the respondent in a judicial proceeding without his consent.

"Sec. 9-23. Authority of Commission to act on its own initiative.-In the absence of the filing of a complaint as provided in Section 9-14, the Commission may on its own initiative direct an investigation of the activities of persons subject to this chapter when it has reason to believe that unlawful practices are found to exist, the Commission may seek to eliminate them by any means provided in this chapter for use in the case of the filing of a complaint. When acting on its own initiative, the Commission shall follow as closely as possible the procedures set forth in this Article with respect to action on complaints that have been filed by any person.

"Sec. 9-24. Enforcement.-In the event respondent refuses or fails to comply with any order of the Commission, the Commission shall transmit the entire record of its proceedings to the legal officer for the Durham government who shall file an action in the superior court for an enforcing order, serving respondent as provided by law. The Superior Court for the Fourteenth Judicial District shall have jurisdiction to issue an order enforcing the cease and desist order of the Commission, or modifying, or setting aside, in whole or in part, the order of the Commission.

"Sec. 9-25. Criminal penalties.-Any person who willfully violates any provision of this chapter relating to unlawful practices shall be guilty of a misdemeanor punishable as follows:

(a) For the first conviction of a violation, by a fine of not more than three hundred dollars (\$300.00).

(b) For a second and any subsequent violation, by a fine of not more than three hundred dollars (\$300.00), or imprisonment for a term not exceeding ninety (90) days, or both.

#### "Chapter 10. Continuation and Transition.

##### "Article 1. Continuation.

"Sec. 10-1. Continuation of ordinances and regulations.-All ordinances and resolutions of Durham County or the City of Durham 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 Durham government and shall continue in force until repealed or amended by the Board of Government. All orders, rules and regulations made by any officer, agency, board, commission or authority of Durham County or the City of Durham 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 Durham government.

"Sec. 10-2. Continuation of hearings and proceedings.-All petitions, hearings and other proceedings pending before any officer, office, department, agency, board, commission or authority of Durham County or the City of Durham continue 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 Durham government that succeeds to the powers, duties, rights, privileges and immunities of the abolished or consolidated agency.

"Sec. 10-3. Transfer of assets and liabilities.-On the effective date of this charter: (a) All property, real and personal and mixed, belonging to Durham County or the City of Durham vests in, belongs to and is the property of the Durham 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 Durham 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 Durham government.

(d) Any action, suit, or proceeding pending against, or having been instituted by, any of the governments listed in subsection (a) is not abated by this charter or by consolidation, but shall be continued and completed in the same manner as if consolidation had not occurred. The Durham government is a party to all these actions, suits and proceedings in the place of the merging government and shall pay or cause to be paid any judgment rendered against it 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, are assumed by the Durham government, and all the obligations and outstanding indebtedness are constituted obligations and indebtedness of the Durham government. The full faith and credit of the Durham 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 Durham government is and shall remain subject to taxation for these payments.

"Sec. 10-4. Continuation of officers and employees.-On the effective date of this charter, all officers and employees of the governments of Durham County and the City of Durham become officers and employees of the Durham government.

In providing for the continuation of the employment of each officer and employee of the consolidated governments, the Board of Government shall, to the extent that it is feasible to do so, arrange for each officer and employee to perform the same or similar duties and responsibilities in his employment with the Durham government that he performed prior to consolidation.

No officer or employee may sustain any reduction in salary on account of consolidation, nor may the Board impair or diminish the rights, benefits, privileges or opportunities of any officer or employee of the consolidated governments under any retirement or pension plan in effect immediately before the effective date of this charter.

No former officer or employee of the governments of Durham County or the City of Durham has promotion rights, benefits, privileges or opportunities solely by virtue of the personnel policies of that government. The promotion rights, benefits, privileges and opportunities of any employee of the Durham government are subject to the personnel policies adopted by or approved by the Board.

The Board shall resolve all questions, issues and interpretations arising under this section.

"Sec. 10-5. Continuation of offices.-All offices, departments, committees, agencies, boards, commissions and authorities, however denominated, heretofore created pursuant to general law or special acts of the General Assembly, or by resolutions or ordinances of the City Council of Durham or the Durham Board of County Commissioners, or by joint resolutions of these two governing bodies are continued with the same duties, functions and responsibilities except as expressly provided by this charter or other acts of the General Assembly.

"Sec. 10-6. Members, officers and employees of boards and agencies.-Except as otherwise provided in this charter, the members, officers and employees of all agencies, boards, commissions and authorities continue as members, officers 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 section impairs the authority of the Durham government with respect to those boards, commissions, authorities and agencies or to any of their members, officers or employees.

"Article 2. Transition.

"Sec. 10-7. Effective date.-The Government of Durham and Durham County becomes effective December 1, 1975.

"Sec. 10-8. 1975 City elections not held.-The municipal elections to be held in 1975 pursuant to G.S. 163-279 shall not be held in the City of Durham. The terms of office of the Mayor of Durham, all members of the Durham City Council and all members of the Board of County Commissioners of Durham County, are terminated when their successors take office as provided in Section 10-10 of this charter.

"Sec. 10-9. Initial elections.-The initial primary for the Mayor and members of the Board of Government shall be held on October 7, 1975, and the initial election for the Mayor and the members of the Board of Government shall be held on November 4, 1975, as provided in Chapter 4 of this charter.

Members of the Board elected in the initial elections from Districts 1, 3, 5, 7, 9, 11, 13 and 15 and the Mayor shall serve terms of two years. Members of the Board elected in the initial elections from Districts 2, 4, 6, 8, 10, 12, 14 and 16 shall serve terms of four years. After the initial elections, all elections of Board members shall be for terms of four years as provided in Section 2-2 of this charter and all elections of the Mayor shall be for terms of two years as provided in Section 3-1 of this charter.

"Sec. 10-10. Initial organization meeting.-The Mayor and members of the Board of Government elected in the initial election shall meet at noon on Monday, December 1, 1975, in the Commissioner's room of the Durham County Office Building to take oaths of office and hold the initial organizational meeting for the purposes set forth in Section 2-11 of this charter. The Mayor-elect shall arrange for the oaths to be administered.

"Sec. 10-11. Transitional budgets for 1975-76.-The Board of Government and officers of the Durham government shall administer the 1975-76 budgets as adopted by Durham County and the City of Durham in accordance with their terms for the remainder of the 1975-76 fiscal year following the establishment of the Durham government. The Board may, however, amend the 1975-76 budget of each merging government as adopted by the government 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.

"Sec. 10-12. Cooperation in transition.-After this charter is approved by the voters and until the establishment of the new government, officers and employees of Durham County, the City of Durham and all agencies, boards and commissions thereof shall cooperate with each other in taking all appropriate steps to the end that the transition to the Durham government will be orderly and without disruption or impairment of regular governmental services and functions. Durham County and the City of Durham by action of their respective governing boards are authorized to establish special committees to plan and implement transitional steps, employ consultants or other personnel to assist in

arranging for the transition, and take any other action the boards deem necessary to an orderly transition.

"Chapter 11. Electoral Districts.

"Article 1. Electoral Districts for the Board of Government.

"Sec. 11-1. Definition.-When used in this chapter, 'Durham City Limit line' means the Durham City Limit line as indicated on the 1970 Census Tract Maps, April 1, 1970.

"Sec. 11-2. Districts described.-The sixteen electoral districts provided for in Section 2-1 of this charter are initially defined as having these boundaries:

DISTRICT ONE: Beginning at the point where Duke Homestead Road intersects Reta Road, southeast and east on Reta Road to Duke Street; south along Duke Street to Fraiser Street; east along Fraiser Street to the Durham City Limit line; southeast, northeast and east along the Durham City Limit line to its junction with the Norfolk and Western Railway; south, southeast and south along the Durham City Limit line to U.S. Highway 15 (I-85); west along U.S. Highway 15 (I-85) to West Club Boulevard; southwest and west along West Club Boulevard to Duke Street; north along Duke Street to Leon Street, west along Leon Street to Lednum Street, north along Lednum Street to Murray Avenue; west along Murray Avenue to Broad Street; north on a straight line from the intersection of Murray Avenue and Broad Street to a point 125 feet west of the junction of Shaftsbury and Homestead Streets; northwest from this point to the junction of Kenmore Street and Duke Homestead Road; northeast along Duke Homestead Road to Reta Road and the beginning.

DISTRICT TWO: Beginning at the intersection of Broad Street and Murray Avenue, east along Murray Avenue to Lednum street; south along Lednum Street to Leon Street; east along Leon Street to Duke Street; south along Duke Street to West Club Boulevard; east and northeast along West Club Boulevard to U.S. Highway 15 (I-85); southeast and east along U.S. Highway 15 (I-85 and U.S. 70) to where U.S. Highway 70 and U.S. Highway 15 (I-85) diverge; southeast along U.S. Highway 70 to Geer Street; southwest and west along Geer Street to Foster Street; south along Foster Street to Chapel Hill Street; west along Chapel Hill Street to West Main Street; northwest along West Main Street to Duke Street; northeast along Duke Street to West Corporation Street; west from the junction of West Corporation and Duke Streets to the junction of Lamond Avenue and Gregson Street; southwest on Gregson Street to West Main Street; northwest along West Main Street to Buchanan Boulevard; north on Buchanan Boulevard to Monmouth Avenue; east along Monmouth Avenue to Watts Street; north along Watts Street to Guess Road; northwest along Guess Road to Berkeley Street; continuing west from the junction of Berkeley Street and Guess Road to the junction of Sprunt Avenue and Sedgefield Street; west on Sprunt Avenue to Clarendon Street; north on Clarendon Street to Guess Road; northwest along Guess Road to the junction of Sunset and Broad Streets; northeast along Broad Street to Murray Avenue and the beginning.

DISTRICT THREE: Beginning at the intersection of Geer and Elizabeth Streets, east and northeast on Geer Street to the junction of the Durham Oxford Highway and U.S. Highway 70; south and southeast along U.S. Highway 70 to the Southern Railway; southwest along the Southern Railway to Miami Boulevard;

northwest along Miami Boulevard to Harvard Avenue; southwest along Harvard Avenue to Benjamine Street; north on Benjamine Street to East Main Street; west on East Main Street to Hyde Park Avenue; north along Hyde Park Avenue to Taylor Street; northwest along Taylor Street to North Alston Avenue; north on North Alston Avenue to Eva Street; west along Eva Street to Elm Street; north on Elm Street to Holloway Street; west on Holloway Street to Elizabeth Street; north on Elizabeth Street to Geer Street and the beginning.

DISTRICT FOUR: Beginning at the intersection of Foster and Geer Streets, east along Geer Street to Elizabeth Street; south along Elizabeth Street to Holloway Street; east on Holloway Street to Elm Street; south along Elm Street to Eva Street; east along Eva Street to North Alston Avenue; south on North Alston Avenue to Taylor Street; southeast along Taylor Street to Hyde Park Avenue; south on Hyde Park Avenue to East Main Street; west and northwest along East Main Street to Alston Avenue; southwest along South Alston Avenue to Lawson Street; west along Lawson Street to Fayetteville Street; northeast along Fayetteville Street to the East-West Expressway, extending Fayetteville Street northeast to Rowland Street; northeast along Rowland Street to Ramseur Street; east on Ramseur Street to the Norfolk and Western Railway; northeast along the Norfolk and Western Railway to East Main Street; northwest along East Main Street to Dillard Street; northeast on Dillard Street to Holloway Street; northwest along Holloway Street to Morgan Street; north along Morgan Street to Chapel Hill Street; west on Chapel Hill Street to Foster Street; north along Foster Street to Geer Street and the beginning.

DISTRICT FIVE: Beginning at the intersection of Alston Avenue and East Main Street, southeast and east along East Main Street to Benjamine Street; south along Benjamine Street to Harvard Street; northeast along Harvard Street to Miami Boulevard; southeast along Miami Boulevard to U.S. Highway 70; southeast along U.S. Highway 70 to East End Avenue; south and southwest along East End Avenue to Rowena Avenue; south on Rowena Avenue to Carter Avenue; west along Carter Avenue to the Durham City Limit line; northwest, west and south along the Durham City Limit line to the Norfolk and Southern Railway; then west along the Durham City Limit line to State Highway 55 (Apex Road); northwest and north along State Highway 55 to South Alston Avenue; northeast along South Alston Avenue to East Main Street and the beginning.

DISTRICT SIX: Beginning at the junction of Archdale Drive and Cornwallis Road, southeast along Cornwallis Road to Weaver Street; northeast along Weaver Street, extending Weaver Street along a straight line to the junction of Weaver and Pilot Streets; southeast along Pilot Street to Fayetteville Street; northeast along Fayetteville Street to Lawson Street; east and southeast along Lawson Street to South Alston Avenue; south along South Alston Avenue to its junction with State Highway 55; south and southeast along State Highway 55 to the Durham City Limit line; east along the Durham City Limit line to South Alston Avenue; south along South Alston Avenue to the point where it crosses the Durham and Southern Railway; following the Durham and Southern Railway to Carpenter & Fletcher Road; west on Carpenter & Fletcher Road to State Highway 55; south along State Highway 55 to State Highway 54; west and



northwest along State Highway 54 to Old Durham Apex Road; continuing northwest on a straight line from the intersection of Old Durham Apex Road and State Highway 54 to the junction of Fayetteville Road and Sunny Drive; west on Sunny Drive to the Norfolk Southern Railway; south along the Norfolk Southern Railway to State Highway 54; west and northwest on State Highway 54 to Third Fork Creek; following Third Fork Creek northeast to the point where it crosses the Durham City Limit line that is parallel to Willowdale Drive; northwest along the Durham City Limit line, extending the Durham City Limit line to Archdale Drive; northeast along Archdale Drive to the junction of North Oak Ridge Boulevard and Willowdale Drive; north along North Oak Ridge Boulevard to Cisco Street; east along Cisco Street to Archdale Drive; north on Archdale Drive to Cornwallis Road and the beginning.

DISTRICT SEVEN: Beginning at the point where the Southern Railway crosses West Chapel Hill Street, east along West Chapel Hill Street to Morgan Street (the Morgan-Holloway Street Connector); south along Morgan Street (Morgan-Holloway Street Connector) to Holloway Street; southeast along Holloway Street to Dillard Street; southwest along Dillard Street to East Main Street; southeast on East Main Street to the Norfolk and Western Railway; southwest along the Norfolk and Western Railway to Ramseur Street; northwest on Ramseur Street to Rowland Street; southwest on Rowland Street to the East-West Expressway, extending Rowland Street southwest on a straight line to Fayetteville Street; southwest along Fayetteville Street to Pilot Street; northwest along Pilot Street to Weaver Street; continuing southwest from the junction of Weaver and Pilot Streets on a straight line to the junction of Weaver Street and Cornwallis Road; northwest along Cornwallis Road to Charles Street; northeast along Charles Street and southeast along Charles Street to South Roxboro Street; north and northeast along South Roxboro Street to the Norfolk Southern Railway; north and northeast along the Norfolk Southern Railway to North Service Road; northwest on North Service Road to Carr Street; northeast on Carr Street to the Southern Railway; northwest on the Southern Railway to Chapel Hill Street and the beginning.

DISTRICT EIGHT: Beginning at the intersection of Clarendon Street and Sprunt Avenue, east along Sprunt Avenue to Sedgefield Street; continuing east on a straight line from the junction of Sedgefield and Sprunt Streets to the intersection of Berkeley Street and Guess Road; southeast on Guess Road to Watts Street; south along Watts Street to Monmouth Avenue; west along Monmouth Avenue to Buchanan Boulevard; south along Buchanan Boulevard to West Main Street; southeast along West Main Street to Gregson Street; north and northeast along Gregson Street to Lamond Avenue; continuing east along a straight line from the junction of Gregson Street and Lamond Avenue to the junction of West Corporation and Duke Streets; southwest on Duke Street to West Main Street; southeast on West Main Street to West Chapel Hill Street; west on West Chapel Hill Street to the Southern Railway; southeast along the Southern Railway to Carr Street; southwest on Carr Street to North Service Road; southeast along North Service Road to the Norfolk Southern Railway; southwest along the Norfolk Southern Railway to University Drive; southwest on University Drive to Lakewood Avenue; west on Lakewood Avenue to Carroll Street; then southwest and

west along Lakewood Avenue to the east right-of-way line of Kent Street; north along the east right-of-way line of Kent Street to Gunter Street; continuing east on a straight line from the junction of Gunter and Kent Streets to Cornell Street; northeast along Cornell Street to Halley Street; west on Halley Street to the west right-of-way line of Kent Street; south along the west right-of-way line of Kent Street to Lakewood Avenue; west on Lakewood Avenue to Chapel Hill Road; northeast on Chapel Hill Road to Maplewood Avenue; northeast along Maplewood Avenue from the junction of Chapel Hill Road and Maplewood Avenue for a distance of 625 feet, to the Maplewood Cemetery line; then following the Maplewood Cemetery line west, northeast and west again to a point on Maplewood Cemetery line immediately south of the junction of Swift Street and Duke University Road; continuing north from this point for a straight distance of 125 feet to the junction of Swift Street and Duke University Road; northeast along Swift Street to Campus Drive; east and northeast on Campus Drive to the Southern Railway; northwest along the Southern Railway to Broad Street; north on Broad Street to Markham Avenue; east along Markham Avenue to Clarendon Street; north along Clarendon Street to Sprunt Avenue and the beginning.

DISTRICT NINE: Beginning at the point where State Highway 751 crosses the Durham City Limit line at U.S. Highway 15-501 By-pass, southeast along State Highway 751 to Duke University Road; northeast along Duke University Road to Anderson Street; north on Anderson Street to Campus Drive; northeast and southeast along Campus Drive to Swift Avenue; south along Swift Avenue, extending Swift Avenue south for a straight distance of 125 feet from its junction with Duke University Road, to Maplewood Cemetery line; then following the Maplewood Cemetery line east, southwest and east again to Maplewood Avenue; southwest on Maplewood Avenue to its junction with Chapel Hill Road; southwest on Chapel Hill Road to Lakewood Avenue; east on Lakewood Avenue to the west right-of-way line of Kent Street; north along the west right-of-way line of Kent Street to Halley Street; east on Halley Street to Cornell Street; southwest on Cornell Street to a point 500 feet from the intersection of Cornell and Halley Streets; continuing west on a straight line from the preceding point to the east right-of-way line of Kent Street; south along the east right-of-way line of Kent Street to Lakewood Avenue; east along Lakewood Avenue, then northeast and east again along Lakewood Avenue to the Norfolk Southern Railway; south along the Norfolk Southern Railway to South Roxboro Street; southwest and south along South Roxboro Street to Charles Street; northwest and southwest along Charles Street to Cornwallis Road; northwest on Cornwallis Road to University Drive; southwest along University Drive to Hope Valley Road; south along Hope Valley Road to Bexley Avenue; west on Bexley Avenue to Stanford Drive; south on Stanford Drive to Kamis Street; west on Kamis Street to Ithaca Street; south along Ithaca Street to Princeton Avenue; west on Princeton Avenue to Dixon Road; continuing due west on a straight line from the junction of Princeton Avenue and Dixon Road to Chapel Hill Road; south and southwest on Chapel Hill Road to its junction with the Durham City Limit line, southwest of where Windsor Way and Chapel Hill Road meet; then following the Durham City Limit line northwest and northeast to the intersection of Cornwallis Road

and U. S. Highway 15-501; then north along the Durham City Limit line to the point where it crosses State Highway 751 and the beginning.

DISTRICT TEN: Beginning at the point where the Durham City Limit line crosses the junction of Moreene and Neal Roads, east along Neal Road to the Southern Railway; southeast along the Southern Railway to Campus Drive; southwest, northwest and southwest again on Campus Drive to Anderson Street; south on Anderson Street to Duke University Road; southwest on Duke University Road to State Highway 751; northwest on State Highway 751 to U.S. Highway 15-501 (Durham City Limit line); northeast along U.S. Highway 15-501 (Durham City Limit line) to the point where the Durham City Limit line and U.S. Highway 15-501 diverge, immediately south of the intersection of U.S. Highway 15-501 and Moreene Road; northwest, north, east and north along the Durham City Limit line to the point where it crosses the junction of Moreene and Neal Roads and the beginning.

DISTRICT ELEVEN: Beginning at the intersection of Carver Street Extension and Rose of Sharon Road, east and southeast on Carver Street Extension to the point where Browning Road meets the Durham City Limit line; east, north and east along the Durham City Limit line, then north (parallel to Guess Road) and east (parallel to Horton Road) along the Durham City Limit line to Jump and Run Creek; south along Jump and Run Creek to Horton Road; continuing southeast from the point where Jump and Run Creek crosses Horton Road for a straight distance of 5,750 feet to Shaftsbury Street; continuing southeast on Shaftsbury Street to Duke Homestead Road; southwest on Duke Homestead Road to Kenmore Street; southeast on a straight line from the junction of Kenmore Street and Duke Homestead Road to Homestead Street at a point 250 feet west of the junction of Homestead and Shaftsbury Streets; continuing south on a straight line from Homestead Street to the junction of Broad Street and Murray Avenue; southwest on Broad Street to Guess Road; southeast on Guess Road to Clarendon Street; south on Clarendon Street to Markham Avenue; west on Markham Avenue to Broad Street; south on Broad Street to the Southern Railway; northwest on the Southern Railway to Neal Road; west on Neal Road to the point where it crosses the Durham City Limit line; northwest, northeast and southeast along the Durham City Limit line to Cole Mill Road; north and northwest along Cole Mill Road to Rose of Sharon Road; north on Rose of Sharon Road to Carver Street Extension and the beginning.

DISTRICT TWELVE: Beginning at the point where Rigsbee Road crosses the Orange-Durham County line, northeast along Rigsbee Road to Randolph Road; continuing southeast along Randolph Road to a point 1250 feet from the junction of Rigsbee and Randolph Roads; continuing southeast from the preceding point for a straight distance of 3000 feet to a point on Mud Creek that is 625 feet north of Pickett Road; south along Mud Creek to Pickett Road; east along Pickett Road to the Durham City Limit line; continuing southwest and southeast along the Durham City Limit line to the point where it crosses Chapel Hill Road, southwest of the junction of Chapel Hill Road and Windsor Way; northeast and north along Chapel Hill Road to a point on Chapel Hill Road 1375 feet north of its junction with Eubanks Road; continuing due east on a line projected from the preceding point, for a straight distance of 2125 feet, to

Princeton Avenue; east on Princeton Avenue to Ithaca Street; north on Ithaca Street to Kamis Street; east on Kamis Street to Stanford Drive; north on Stanford Drive to Bexley Avenue; east on Bexley Avenue to Hope Valley Road; north along Hope Valley Road to University Drive; northeast on University Drive to Cornwallis Road; southeast on Cornwallis Road to Archdale Drive; south on Archdale Drive to Cisco Street; west on Cisco Street to North Oak Ridge Boulevard; south on North Oak Ridge Boulevard to Archdale Drive; southwest on Archdale Drive to the Durham City Limit line; southeast along the Durham City Limit line to Third Fork Creek; southwest along Third Fork Creek to State Highway 54; southeast on State Highway 54 to the Norfolk Southern Railway; north along the Norfolk Southern Railway to Sunny Drive; east on Sunny Drive to Fayetteville Road; continuing southeast from the junction of Fayetteville Road and Sunny Drive for a straight distance of 5,750 feet to the intersection of Old Durham Apex Road and State Highway 54; southeast and east on State Highway 54 to Northeast Creek; south and southwest along Northeast Creek to the point where it crosses the Durham-Chatham County line; west along the Durham-Chatham County line to the Orange-Durham County line; northeast along the Orange-Durham County line to Rigsbee Road and the beginning.

DISTRICT THIRTEEN: Beginning at the point where the Orange-Durham County line intersects the Person-Durham County line, east along the Person-Durham County line to the Durham-Granville County line; south along the Durham-Granville County line to the point where it crosses the Neuse River; west and southwest along the Neuse River to its junction with the Eno River and Little River; west along the Eno River to its junction with Crooked Creek at a point 875 feet southwest of the point where U.S. Highway 501 crosses the Eno River; southwest along the Eno River-Crooked Creek to the point where the Eno River and Crooked Creek diverge; continuing west along the Eno River for a distance of 2,125 feet; continuing southwest from that point for a straight distance of 2000 feet to Prison Camp Road; west and southwest on Prison Camp Road to Guess Road; southeast on Guess Road to Hillandale Road; southwest and northwest on Hillandale Road to Rose of Sharon Road; southwest and south along Rose of Sharon Road to Valley Spring Road; northwest along Valley Spring Road to Rivermont Road; west, northwest and southwest along Rivermont Road to Cole Mill Road; northwest along Cole Mill Road to Sparger Road; southwest on Sparger Road to its junction with Beech Grove Drive; then projecting a straight line southwest from this junction for a distance of 875 feet to the Orange-Durham County line; northeast along the Orange-Durham County line; northeast along the Orange-Durham County line to the Person-Durham county line and the beginning.

DISTRICT FOURTEEN: Beginning at the point where the Norfolk and Western Railway crosses the Eno River, following the Eno River southeast and northeast to its junction with the Little River and Neuse River; following the Neuse River northeast to the point where it meets the Durham-Granville County line; continuing southeast along the Durham-Granville County line (Neuse River) to the point where the Durham-Granville County line and the Neuse River diverge; continuing east along the Durham-Granville County line to its junction with the Durham-Wake County line; southwest along the Durham-Wake County line for a distance of 6,625 feet

to the point where the Durham-Wake County line and the Neuse River converge; continuing southwest from the preceding point for a straight distance of 29,750 feet to the junction of Shaw Road and State Highway 98 (Wake Forest Highway); northwest along State Highway 98 (Wake Forest Highway) to Sherron Road; southwest along Sherron Road to Old Sherron Road; west and northwest along Old Sherron to Mineral Springs Road; northeast along Mineral Springs Road to Gibson Road; west on Gibson Road to Lynn Road; northeast and northwest along Lynn Road to Holloway Street; northwest along Holloway Street to U.S. Highway 70; northwest along U.S. Highway 70 to U.S. Highway 15 (I-85); northeast on U.S. Highway 15 (I-85) to the Durham City Limit line; northwest, northeast and northwest along the Durham City Limit line to its junction with the Norfolk and Western Railway; northeast along the Norfolk and Western Railway to the point where it crosses the Eno River and the beginning.

DISTRICT FIFTEEN: Beginning at the point where Holloway Street intersects U.S. Highway 70, southeast on Holloway Street to Lynn Road; southeast and southwest along Lynn Road to Gibson Road; east on Gibson Road to Mineral Springs Road; southwest along Mineral Springs Road to Old Sherron Road; east and southeast on Old Sherron Road to Sherron Road; northeast on Sherron Road; east to State Highway 98 (Wake Forest Highway); southeast on State Highway 98 (Wake Forest Highway) to its junction with Shaw Road; continuing northeast on a line projected from the junction of State Highway 98 (Wake Forest Highway) and Shaw Road for a straight distance of 29,750 feet to the junction of the Neuse River and the Durham-Wake County line; southeast, northeast and southeast again along the Durham-Wake County line (Neuse River) to the point where the Neuse River diverges; then, southwest, northwest, southwest again, and west along the Durham-Wake County line to its junction with the Durham-Chatham County line and Northeast Creek; northeast and north along Northeast Creek to State Highway 54; east along State Highway 54 to State Highway 55; northeast on State Highway 55 to Carpenter & Fletcher Road; east on Carpenter & Fletcher Road to the Durham and Southern Railway; northeast along the Durham and Southern Railway to its junction with South Alston Avenue; north along South Alston Avenue to the Durham City Limit line; east, northwest, northeast and southeast along the Durham City Limit line to Carter Avenue; east on Carter Avenue to Rowena Avenue; northwest on Rowena Avenue to East End Avenue; northeast on East End Avenue to U.S. Highway 70 (Miami Boulevard); northwest on U.S. Highway 70 (Miami Boulevard) to the Southern Railway-Seaboard Airline Railroad; northeast along the Southern Railway-Seaboard Airline Railroad to U.S. Highway 70; northwest on U.S. Highway 70 to Holloway Street and the beginning.

DISTRICT SIXTEEN: Beginning at a point on the Orange-Durham County line 2500 feet southwest of its crossing with the Eno River, proceeding northeast from this point for a straight distance of 875 feet to the junction of Sparger Road and Beech Grove Drive; northeast on Sparger Road to Cole Mill Road; southeast along Cole Mill Road to Rivermont Road; northeast and southeast on Rivermont Road to Valley Spring Road; south on Valley Spring Road to Rose of Sharon Road; northeast on Rose of Sharon Road to Hillandale Road; southeast and northeast on Hillandale Road to Guess Road; northwest on Guess Road to Prison Camp Road; continuing northeast on Prison

Camp Road for a distance of 1,937 feet, then projecting a straight line northeast from Prison Camp Road for a distance of 2,000 feet to the Eno River; following the Eno River east to the Norfolk and Western Railway; southwest along the Norfolk and Western Railway to the Durham City Limit line; following the Durham City Limit line west, southwest and northwest to Frasier Street; west along Frasier Street to Duke Street; north on Duke Street to Reta Road; west and northwest on Reta Road to Duke Homestead Road; southwest on Duke Homestead Road to Shaftsbury Street; northwest along Shaftsbury Street, extending Shaftsbury Street northwest for a straight distance of 5,750 feet to the point where Horton Road crosses Jump and Run Creek, north along Jump and Run Creek to the point where it meets the Durham City Limit line; west along the Durham City Limit line (parallel to Horton Road), south along the Durham City Limit line (parallel to Guess Road), then west and south again along the Durham City Limit line to the point where it meets Carver Street Extension; west and northwest along Carver Street Extension to Rose of Sharon Road; south on Rose of Sharon Road to Cole Mill Road; southeast and southwest on Cole Mill Road to its junction with the Durham City Limit line and Croasdale Drive; northwest, southeast, and south along the Durham City Limit line to the point where it crosses Pickett Road; west on Pickett Road to the point where it crosses Mud Creek; following Mud Creek north for a distance of 625 feet; continuing northwest from the preceding point for a straight distance of 3,000 feet to Randolph Road; northwest on Randolph Road to Rigsbee Road; southwest on Rigsbee Road to the Orange-Durham County line; northeast along the Orange-Durham County line to a point 2,500 feet southwest of the point where the Eno River crosses the Orange-Durham County line and the beginning."

**Sec. 2.** The following acts, having served the purposes for which they were enacted, being obsolete, being inconsistent with the charter of the Durham Government or having been incorporated into the charter are repealed:

1973, Session Laws: Chs. 399, 401, 403, 405, 406, 407,  
408, 409, 410, 411, 430, 703.

1971, Session Laws: Chs. 506, 786, 852, 859.

1969, Session Laws: Chs. 483, 503, 596, 597, 654, 657,  
703.

1967, Session Laws: Chs. 440, 506, 803.

1965, Session Laws: Chs. 527, 528, 550, 571, 614, 797.

1963, Session Laws: Chs. 583, 647, 737, 744, 1153.

1961, Session Laws: Chs. 618, 796, 820, 869.

1959, Session Laws: Chs. 534, 696, 867.

1957, Session Laws: Chs. 167, 194, 658, 659, 734, 745,  
1097, 1099, 1315, 1337.

1955, Session Laws: Chs. 172, 364, 367, 953, 1025, 1091.

1953, Session Laws: Chs. 238, 800, 1128, 1280.

1951, Session Laws: Chs. 22, 506, 596, 917.

1949, Session Laws: Chs. 36, 833, 834, 855, 875, 905,  
924, 995, 1043, 1277.

1947, Session Laws: Chs. 96, 106, 341, 425, 779, 797,

871, 908, 961.  
1945, Session Laws: Chs. 252, 262.  
1943, Session Laws: Chs. 118, 323, 464, 577.  
1941, Public-Local Laws: Chs. 138, 252.  
1939, Public-Local Laws: Chs. 117, 181, 591.  
1937, Public Laws: Chs. 211, 299.  
1937, Public-Local Laws: Chs. 275, 448, 469, 504.  
1935, Public Laws: Ch. 224.  
1935, Public-Local Laws: Chs. 99, 196, 542, 566.  
1935, Private Laws: Ch. 61.  
1933, Public-Local Laws: Ch. 199.  
1933, Private Laws: Chs. 15, 23, 199.  
1931, Public-Local Laws: Chs. 124, 128, 286.  
1931, Private Laws: Ch. 91.  
1929, Public-Local Laws: Chs. 8, 220.  
1929, Private Laws: Ch. 63.  
1927, Public-Local Laws: Chs. 265, 557, 619, 629, 667.  
1927, Private Laws: Chs. 12, 115.  
1925, Public-Local Laws: Chs. 213, 257, 464.  
1925, Private Laws: Ch. 162.  
1924, Private Laws: Extra Session: Chs. 26, 63.  
1923, Public-Local Laws: Chs. 46, 135, 585.  
1923, Private Laws: Chs. 8, 148, 149, 255.  
1921, Public-Local Laws: Chs. 46, 280.  
1921, Private Laws: Chs. 142, 252, 253.  
1921, Private Laws: Extra Session: Ch. 42.  
1920, Public-Local Laws: Extra Session: Ch. 220.  
1920, Private Laws: Extra Session: Ch. 71.  
1919, Public Laws: Ch. 158.  
1919, Public-Local Laws: Chs. 42, 99, 116, 226, 380, 479.  
1919, Private Laws: Ch. 15.  
1917, Public-Local Laws: Chs. 86, 161, 231, 592, 667.  
1917, Private Laws: Chs. 20, 22, 45, 60, 61, 131, 138.  
1915, Public-Local Laws: Chs. 297, 433, 756.  
1915, Private Laws: Chs. 89, 115, 279, 328.  
1913, Public-Local Laws: Chs. 53, 85, 370.  
1913, Private Laws: Chs. 336, 377, 447.  
1913, Private Laws: Extra Session: Ch. 5.  
1911, Public-Local Laws: Chs. 199, 246, 674.  
1911, Private Laws: Chs. 35, 39, 228.  
1909, Public Laws: Chs. 91, 235, 503, 680.  
1907, Public Laws: Chs. 73, 268, 285, 295, 478, 982.  
1907, Private Laws: Chs. 214, 231.  
1905, Public Laws: Ch. 127.

1905, Private Laws: Ch. 76.  
1903, Public Laws: Ch. 386.  
1901, Public Laws: Chs. 309, 581.  
1901, Private Laws: Chs. 119, 304, 345.  
1899, Public Laws: Chs. 124, 484.  
1897, Private Laws: Chs. 91, 110.  
1895, Public Laws: Ch. 64.  
1895, Private Laws: Ch. 204.  
1891, Public Laws: Chs. 144, 181, 589.  
1891, Private Laws: Ch. 119.  
1889, Public Laws: Ch. 483.  
1889, Private Laws: Ch. 154.  
1887, Public Laws: Ch. 354.  
1885, Public Laws: Chs. 9, 290.  
1885, Private Laws: Ch. 87.  
1883, Public Laws: Ch. 141.  
1883, Private Laws: Ch. 106.  
1881, Private Laws: Ch. 106.  
1874-75, Private Laws: Ch. 110.  
1868-69, Private Laws: Ch. 94.  
1866-67, Private Laws: Ch. 25.

**Sec. 3.** This act shall not be deemed to repeal, modify or in any manner affect any validating laws applying to the County of Durham or to the City of Durham. As used in this section, the term "validating laws" means laws ratifying, confirming, approving or validating official proceedings (including special assessment and annexation proceedings), actions (including acquisitions and disposals of property or interests therein), contracts, bonds or obligations of any kind.

**Sec. 4.** No provision of this act is intended, nor shall any be construed to affect in any way any right or interest:

- (a) now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provision of law repealed by this act; or
- (b) derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinance or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

**Sec. 5.** No law repealed, expressly or by implication, before the effective date of this act, is revived by:

- (a) the repeal in this act of any act repealing that law, or
- (b) any provision of this act that disclaims an intention to repeal or affect enumerated laws.

**Sec. 6.** The Durham County Board of Elections shall conduct a referendum on the proposed consolidation of the governments of Durham County and the City of Durham on September 10, 1974. The form of the ballot shall be that prescribed by Section 11 of Chapter 600 of the 1971 Session Laws.



**Sec. 7.** All laws and clauses of laws in conflict with the provisions of this act are repealed.

**Sec. 8.** Section 6 of this act is effective upon ratification of this act. No other provisions of this act become effective unless the voters of Durham County approve the consolidation of the governments of Durham County and the City of Durham in the referendum to be held on September 10, 1974. If the voters approve consolidation of the governments in that referendum, Sections 10-8, 10-9 and 10-12 of the charter for the Durham Government are effective on September 17, 1974. All other provisions of the charter and this act are effective upon establishment of the consolidated government on December 1, 1975.

In the General Assembly read three times and ratified, this the 15th day of March, 1974.