PREPARING for TOMORROW

Report of the Williams NEW HISONS CHARTER COMMISSION

CORRECTIONS

The Wilmington-New Hanover Charter Commission met on June 20, 1972, and changed the date of the referendum on Consolidation from Tuesday, November 7, 1972, to Tuesday, February 27, 1973. The following changes in the text of this Report should be made to reflect the changed date of the referendum:

Preface, 2nd line of 3rd paragraph:

The date should be "February 27, 1973"

Page 28. 2nd line of 3rd paragraph:

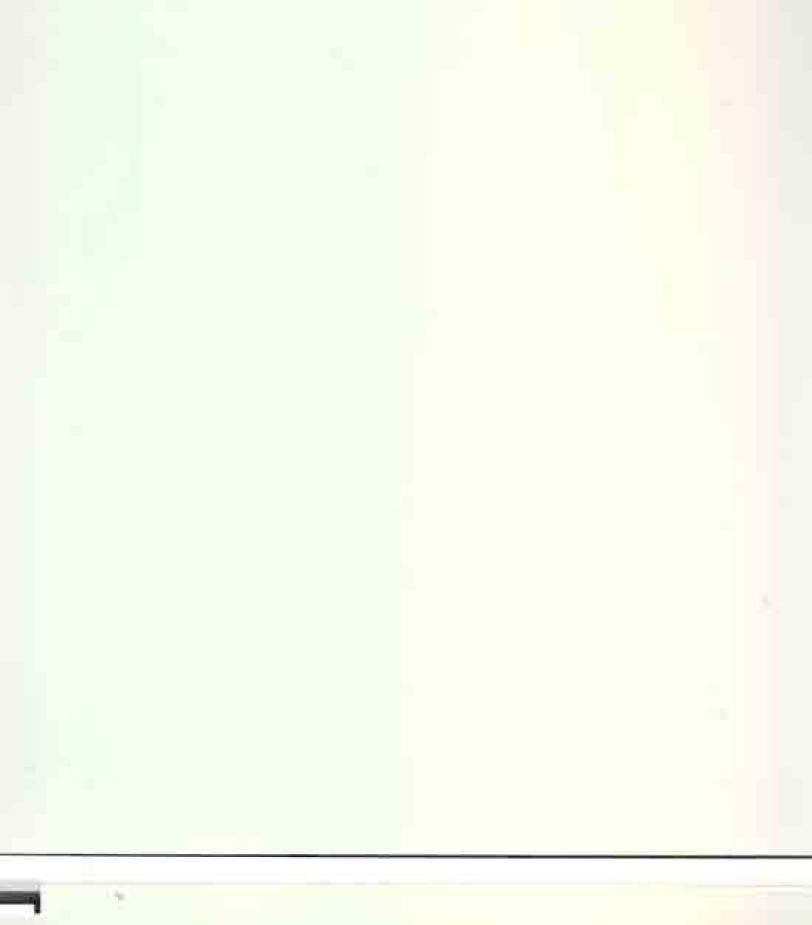
The date should be "February 27, 1973"

Page 30. The dates on the first three entries of the schedule set forth should read as follows:

February 27, 1923.	(for November 7, 1972)		
February, 1973, to April, 1973.	(for November, 1972, to April, 1973.)		
March, 1973.	(for February, 1973.)		

Page 33. The citations to the Report of the Commission, Preparing for Tomorrow, and the Final Draft of the Proposed Charter should be changed by adding the following notation to each:

[&]quot;(Amended on June 20, 1972.)"



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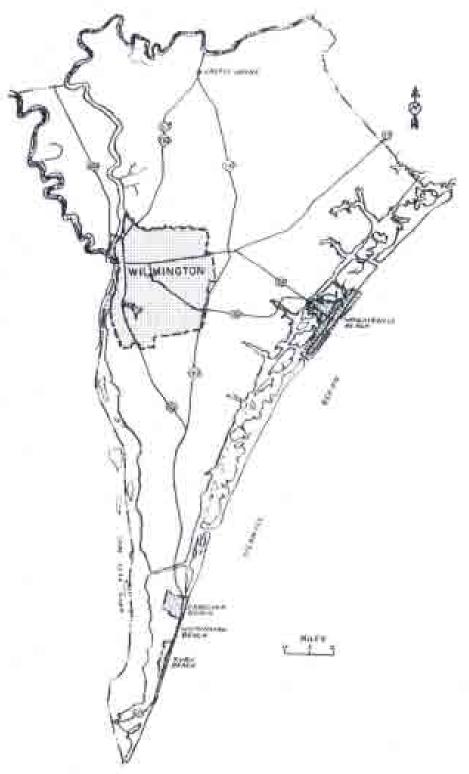
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Witnington-New Hanover Chartier Communication P.O. Drawer 1812, Witnington, N. C. 28401

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PREFACE

The Wilmington-New Hanover Charter Commission was created by the governing boards of the local governments in New Hanover County in July, 1970. The Commission was charged with studying the need for, and developing a plan for, consolidating the governments of the City of Wilmington and New Hanover County.

This report briefly reviews some of the findings of the Commission's study and describes the plan for a consolidated government that was developed. The draft of the charter for the proposed consolidated government is being published separately. That document is entitled A Proposed Charter for The Consolidated Government of Wilmington and New Hanover County. It also contains drafts of companion legislation becessary to the establishment of the consolidated government.

The proposed plan for consolidation will go before the voters of New Hanover County on November 7, 1972. If they approve, the 1973 General Assembly of North Carolina will be asked to enact the proposed charter and the other legislation necessary and, following legislative approval, The Consolidated Government of Wilmington and New Hanover County will be established on April 2, 1973.

Additional copies of this report, Preparing for Tomorrow, copies of the proposed charter, and of nome of the studies made for the Charter Commission and further information may be secured by writing the Commission, City Hall, Wilmington, North Carolins 28401. Copies of some of these documents and information on the consolidation effort may also be secured from the Institute of Government, University of North Carolina, Chapel Hill 27514.

LETTER OF TRANSMITTAL TO THE PEOPLE OF NEW HANOVER COUNTY

During the past twenty wonths the members of the Wilmington-New Hanover Charter Commission, members of the Citizens Review Committee, and literally hundreds of other citizens and local officials have been studying local government in New Hanover county and developing a plan for a single county-wide government that would replace the present governments of the City of Wilmington and New Hanover County. This report explains briefly what we have found and what we recommend. The charter of the consolidated government that we recommend is being published as a separate document. We arge you to read it for further details and for the specific language of recommended arrangements.

In our activities, we were not plowing new ground. Consolidation of the city and county governments has been discussed actively for almost two generations. Other studies and proposals have preceded ours.

This long-standing interest has been well justified. New Hanover County, compared with other North Carolina counties, is small in geographical area, and its citizens constitute a single social and economic community. Their interests are intertwined and interdependent. We conclude that all of us would benefit from consolidating our largest local governments—those of the City of Wilmington and New Hanover County.

We think the proposed Consolidated Government of Wilmington and New Hanover County will give us a more economical government and a more efficient government. We think it will save money by eliminating some remaining areas of duplication and by providing the basis for more efficient administrative organization. We think planning for governmental services and functions to meet the needs of people throughout the county can be more efficiently achieved with one government than with two.

We think one government, with the structure we recommend, will be more representative of all our people than our present arrangement. In which many of the actions taken by the city government affect those outside its boundaries who are not directly represented on the city council.

We think one government will be able to plan for all of our needs more representatively and more effectively. What we do about schools and health and water and sewers and streets and law enforcement are actions that need to be related to one another. With one governing body and one governmental administration, the necessary interrelationships will be better understood and more fully taken into account, both in planning and in administration.

A more detailed statement of what we recommend and why we think consolidation of our major local governments is desirable will be found in this report. We hope all of you will read the entire report and consider the opportunity we have to make our already good local government even better.

The people of Wilmington and New Hanover County have a long and impressive history in the development of North Carolina. Our forefathers in their time provided leadership for the state—in commerce, in the arts, and in government. With so rich a legacy, we should be constrained to continue that role and to offer leadership to the state again today.

We know the plan we recommend will not pleans every citizen of New Hanover County in Its every detail. (Neither, for that matter, do our present arrangements.) But we do think it is a plan that will enable our local government to serve all of us better—and provide a better government for our children. We thus commend this step to you today, for today is the time to start presering for tomorrow.

The Wilmington-New Hamover Charter Commission

Fred B. Graham, Chairman Dan D. Gameron Robert T. Ghestnut E. P. Godwin, III John R. Godwin J. M. Hall, Jr. Mearem Harriss, Jr. William L. Hill, Jr. Dr. J. W. Hooper, Jr. Robert R. Lamb

Emsley Laney
R. E. Littell
Henry Longley
H. A. Marke
F. L. Meier, Jr.
B. D. Schwarts
Kenneth M. Sprunt
Dr. L. W. Upperman
Dr. W. H. Wagener

EXISTING GOVERNMENTAL STRUCTURE

New Manover County has five general purpose governments: the county government and the municipalities of Wilmington, Carolina Beach, Kure Beach, and Wrightsville Beach. The county's population growth over the years has been steady, and urbanization is increasingly widespread. The 1967 North Carolina Farm Census reported that only 1,395 people in New Manover County lived on farm tracts of five scres or more in size, and 25 per cent of these had some employment away from the farm during the previous year. Among the state's 100 counties, only have had fewer people living on farms. Table I shows the populations of both the county and its municipalities since 1900.

The proposed consolidation plan calls for no change in the structure or functions of the three beach municipalities. Only the consolidation of the governments of Wilmington and New Hanover County is proposed; the remaining description of existing governments in this section is therefore limited to those two.

NEW HANOVER COUNTY: HISTORY*

New Hanover County was formed in 1729 out of Graven County. Onslow, Bladen, Duplin, Brunswick, and Fender counties were formed from New Hanover County between 1734 and 1875. New Hanover's boundaries have remained unchanged since 1875.

^{*}This section is based on the staff memorandum, "A Stief History of the Development of the Government of New Hanover County," by Ted A. Schumacher. His memorandum cites a number of works, including Formation of North Carolina Counties, 1663-1943, by David L. Corbett and County Government and Administration in North Carolina by Paul W. Wager.

Table I
Population of New Hanover County and Its Municipalities,
1900 to 1970, and their
Area in Square Miles, 1970

Year	Wilmington	Carolina Beach	Kure Beach	Wrights- ville Beach	New Hanover County
Ioc.	1739	1925	1947	1899	1729
1900	20,976	(mm)	_	n.a.	25,785
1910	25,748	-		54	32,037
1920	33,372	-	-	20	40,620
1930	32,270	95	20.6	109	43,010
1940	33,407	637	_	252	47,935
1950	45,043	1,080	228	711	63,272
1960	44,013	1,192	293	723	71.742
1970	46,169	1.663	394	1,701	82,996
Sq.	0.5/6/1/3/35	H1050140/04	398541	120 20 20 20 20	3000000
Mi.	19.35	1.31	0.48	2.18	194

Source: U.S. Census of Population for years indicated.

Its governmental history parallels that of other
North Carolina counties. From 1739 to 1868 they were
governed locally by the county court, which consisted of all
the justices of the peace appointed in the county. The
justices were appointed by the governor from a list of
recommendations provided by the other justices in the county.
The county court was a powerful body, since the justices had
both legislative and judicial functions. The court had taxing, regulatory, and appointive powers. At one time the
county court appointed all local officials (including the
sheriff) except for the clerk of the court and the register
of deeds.

The number of justices of the peace grew so large that the justices elected a chairman and five of their number to hold court for a one-year period. This established the tradition of a five-man board which continues today.

Some changes were made in county government after the Revolution, including election of the sheriff by popular vote. However, there were few popularly elected officials in New Hanover County before the Constitution of 1868.

Major changes in county government occurred after the Constitution of 1868 was adopted. The new plan provided for a five-man board of county commissioners elected at large by county voters for a two-year term. The voters also elected the treasurer, surveyor, register of deeds, sheriff, and coroner for two-year terms. Justices of the peace became petty magistrates.

Beginning in 1876, the General Assembly initiated some changes that had the effect of once more increasing the authority of justices of the peace for a few years. Popular election of the county commissioners ended, and they were once more appointed by the justices of the peace.

In 1899 the General Assembly adopted legislation providing for the election of five commissioners for concurrent terms of two years. In 1909 the four-year staggered term was adopted and has continued to this time.

Thus while the functions and activities of county government have changed over the years, the structure has been relatively stable.

NEW HANOVER COUNTY TODAY

Local government in New Hanover County follows the pattern found in the state's other counties. The North Carolina Supreme Court once offered this legal definition of a county:

A county is a body politic and corporate, created by the General Assembly of North Caroline for certain public and political purposes. Its powers as such, both express and implied, are conferred by statutes, enacted from time to time by the General Assembly, and are exercised by its Board of Commissioners. In the exercise of ordinary governmental functions, counties are simply agencies of the State, constituted for the convenience of local administration in certain portions of the State's territory, and in the exercise of such functions, they are subject to almost unlimited legislative control, except when the power is restricted by constitutional provisions.*

Under present allocations, "The county is the level of government to which the General Assembly has assigned functional responsibility for operating schools, conducting elections, housing the state's system of lower courts and their records, maintaining property ownership and mortgage tecords, enforcing much of the state's criminal law, administering public health and public welfare programs, and carrying on state programs designed to promote the development of agriculture."**

The board of county commissioners consists of five members elected for four-year, staggered terms in partisan elections. It annually chooses one of its members as chairman.

The other elected efficials of the county government are the sheriff, the register of deeds, the coroner, the auditor, and the six members of the board of education. All are elected to four-year terms in partisan elections. The terms of the board of education numbers are staggered, and legislation adopted by the 1971 General Assembly makes the office of county auditor appointive when the term of the current auditor expires in 1974.

Policy control is exercised by the board of county commissioners and other elected officials and by the several semi-independent boards, commissions, and authorities.

Major county functions—Including buspitals, education, health, mental health, sirport, social services, and alcoholic beverage control—are all carried out through semi-independent boards and commissions.

The chief administrative officer of New Hanover County is designated the county administrator. He is appointed by and serves at the pleasure of the board of county commissioners.

^{*}Martin v. Commissioners of Wake, 208 N.C. 354, 365 (1935)...

**J. S. Ferrell, ed., County Government in North Carolina
(Chapel Hill: Institute of Government, 1968).

The county administrative officer provides liaison between the semi-independent agencies and the board of county commissioners. He is directly responsible for general administration, including building maintenance, inspections, and personnel.

Immediate administrative direction for other functions is provided by such elected officials as the sheriff and register of deeds, by the administrative heads of semi-independent agencies, and by the county administrator.

The organizational chart on the following page indicates the general structure and organization of New Hanover county government.

Table II is a summary of the New Hanover budget for 1971-72, showing major purposes of expenditures and classes of revenues.

Table II

New Hanover County Government: Major Purposes of Expenditures and Classes of Revenue, 1971-72

Expenditur	es
Public schools	\$ 4,792,070
Public welfare	3,070,064
General operations	2,448,045
Public health	843,436
Mental health	171,099
All other	1,993,523
Total	\$13,318,237
Revenues	07
Property tax	\$ 5,271,825
State and federal aid	3,820,518
Surplus from prior year	1,693,676
Local sales tax	893,000
Intangible taxes	273,070
ABC	235,000
All other	1,131,148
Total	\$13,318,237

New Hanover County's hudget is the responsibility of the board of county commissioners. Budgets of all countyrelated agencies (except for the hospital) must be approved by the county commissioners. The county budget for the fiscal year ending Jame 30, 1971, was \$13,318,237.

CITY OF WILMINGTON: HISTORY*

The City of Wilmington began as a settlement originally named New Liverpool and later Newton. The city was chartered in 1739 under the name of Wilmington in honor of Spencer Compton, Earl of Wilmington.

The initial charter provided that the people of the town should elect five people, three of whom the governor would name to serve as the governing commission.

The commission was enlarged in 1745 to five men elected directly by the people. The new commission was given authority to enforce order and to tax the townspeople. This form of government served Wilmington for over 100 years.

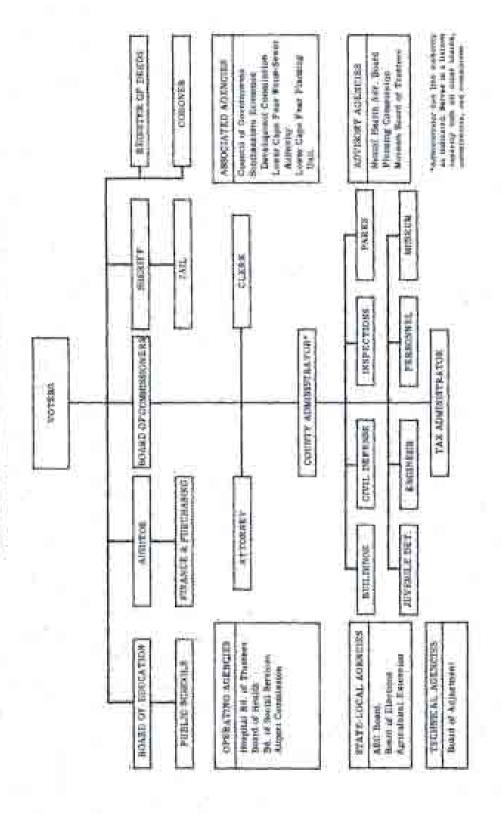
In 1874 the city was divided into three words, with three aldermen elected from each ward to serve terms of one year. The next year the number of wards was increased to five, with two men elected from each ward.

In the 1890s a police board was established consisting of five members elected to two-year terms. This board had extensive authority over the police and fire departments and substantial appointive powers. It was discontinued by the 1897 General Assembly, which also amended the charter to provide for one popularly elected alderman in each ward and one alderman in each ward to be appointed by the governor.

In later years the charter was asended frequently and involved changes in the number of aldermen, in the manner of electing a mayor, and in the power and duties of the mayor.

^{*}This section is based on the staff memorandum, "A Brief History of the Government of Wilmington, N.C.," by Ted A. Schumacher. His memorandum cites a number of works, including The Lower Cape Fear in Colonial Days by Lawrence Lee, and Materials on Municipal Government in North Carolins, edited by Warren J. Wicker.

ORGANIZATION CHART: NEW KANOVER COUNTY



In 1911, further changes resulted in a city council of five members plus a mayor. This was changed to six and later seven members elected from wards.

In 1921 the city abandoned the aldermanic form of government and instituted a commission form of government. The commission consisted of three men elected at large for fouryear terms. Each commissioner had full-time employment with the city and served as head of one of three departments of administration. Commissioners were prohibited from engaging in any other business.

Wilnington adopted the rouncil-manager form of government in 1941, with five councilmen elected at large. Initially all were elected for concurrent four-year terms. The present system of four-year staggered terms was adopted in 1951. The mayor is elected by the council from smong its members.

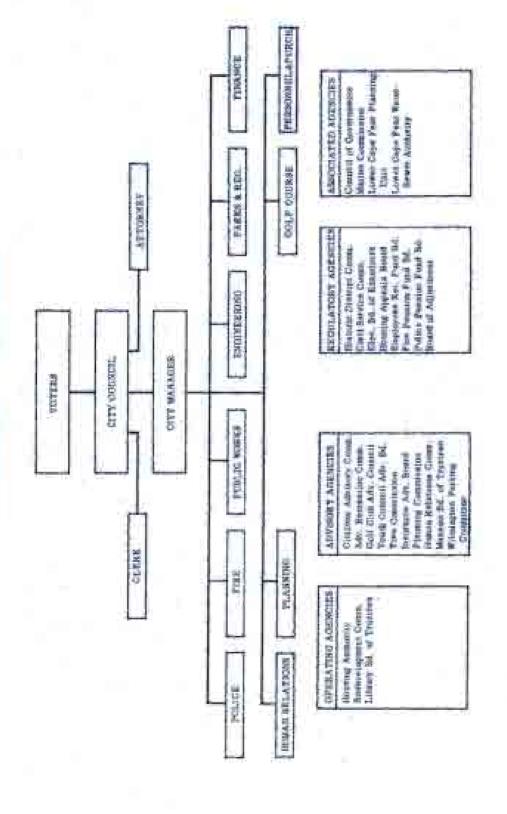
In summary, Wilmington has in the past used several forms of government including mayor-council, commission, and council-manager. It has had elections by wards and at large. Terms of governing board numbers have varied from one year to four, sometimes concurrent and sometimes staggered. As conditions have changed, the people of the city have made changes in their municipal government as they thought appropriate.

THE CITY OF MILMINGTON TODAY

The structure and role of the City of Wilmington's government Is typical of that found in other North Carolina cities. All of the cities in the state with populations over 10,000 have council-manager governments. Elections for councilmen in Wilmington are nonpartisan, as must sumicipal elections in the state are. In its use of staggered four-year terms, Wilmington varies from the more typical pattern. Over helf the cities in the state with populations over 2,500 have board members elected to two-year terms, as do nine of the fourteen cities with populations above 25,000.

The city's governmental administrative structure is more unified than the county's. Most of the city's major functions are under the general supervision of the city

ORGANIZATION CHART: CITY OF WILMINGTON



manager, who is appointed by the council to serve at its pleasure. A few functions—housing and redevelopment, for example—are administered through semi-independent agencies. Also, a number of advisory boards and in developing policy and provide for broad community participation in the development and conduct of municipal affairs. These general relationships are illustrated by the organization than to page 9.

Table III
Wilmington City Government:
Major Purposes of Expenditure and Classes
of Revenue, 1971-72

Expenditures

,878,960
,141,545
953,189
554,549
357,899
410,936
619,029

Total \$ 7,916,107

Revenues

Property taxes	\$ 2,941,390
Privilege Ilcenses	100,000
State-Shared taxes	732,470
Franchise 248,000	
Intangible 152,970	
Beer and wine 100,000	
Motor fuel 231,600	
ABC	220,000
Local Sales tax	529,000
Refuse collection charges	543,000
Water and sewer charges	1,691,697
All other	1,158,450
Security 1	ACTOR AND ASSESSED

Total 5 7,916,107

The city government is a major provider of services: atreets, sidewalks, street lighting, traffic regulation, water, sewerage, refuse collection and disposal, police protection, fire protection, parks and recreation, and others. It is through the city government also that citizens regulate and guide the development of their city. Such activities as planning, zoning, subdivision regulation and building inspection are directed to this end. Finally, the adoption and enforcement of ordinances regulating personal conduct to further the health and safety of individuals is a major municipal responsibility.

The city council, operating under state law, is responsible for making policy and deciding upon the levels of services and taxation. Wilmington's budget for 1971-72 totaled almost \$8 million. Table III is an outline of the city budget for 1971-72, showing major purposes of expenditures and classes of revenues.

CONSOLIDATION: HISTORY OF PAST EFFORTS

The concept of city-county consolidation has interested area residents for approximately fifty years. Historical records, minute books of the Wilmington City Council and New Hanover Board of Commissioners, and old newspapers of the area contain periodic reference to consolidation. Not long ago a newspaper article quoted from a speech to the Wilmington Kiwanis Club made forty years ago in which consulidation was urged. In more recent years, the chamber of commerce has from time to time established committees to study consolidation of our local governments, and newspaper editorials have frequently commented on the extent of existing joint enterprises of city and county government.

Two attempts to effect total consolidation subject to a referendum are recorded. Neither effort reached the referendum stage so that whether consolidation would have received popular support them is impossible to say.

The first formal attempt to consclidate was made in 1933. The North Carolina General Assembly in March of that year (Ch. 94, Public-Local Laws of 1933) provided a detailed plan for consolidating Wilmington and New Hamover County, subject to a referendum. The act would have created a seven-member governing board serving four-year terms. It also provided for the appointment of a city-county manager with extensive administrative authority. (It should be noted that the council-manager form of government was not adopted in Wilwington until 1941; thus the plan would have constituted a drastic change in the form of government.) The act also prowided for connolidating such departments as fire, police, finance, tax, purchasing, legal, etc., and for proportionate allocation of revenues. Economy in governmental expenditures was apparently a primary consideration of consolidation proponents, since the act required a 10 per cent reduction in the budget from the combined budgets of the previous year.

There is no record of a referendum as specified in the act. Local sources active in government during this period indicate that this was due to the board of county commissioners' rejuctance to call for a referendum.

A second consolidation bill was ratified by the General Assembly in April, 1947 (Ch. 768, 1947 Session Laws). This act provided for the creation of a commission to study the advantages of consolidation subject to a referendum. It stipulated that the commission should be composed of the mayors of Wilmington, Carolina Beach, and Wrightsville Beach and the chairman of the board of county commissioners. Wilmington and New Hanover County were each to appoint two additional representatives while Carolina Beach and Wrights-ville Beach were each to have one additional representative. These members of the commission would then jointly appoint three more representatives.

Nor is there a record of this commission. Presumably it was never formed, which local sources attribute to the board of county commissioners' reluctance to appoint members to it.

The current effort toward city-county consolidation started in 1969, when a committee of the Greater Wilmington Chamber of Commerce studied the feasibility of consolidation. The chamber submitted reports to the Wilmington City Council and the New Hanover Board of County Commissioners in September, 1969. The committee's reports stated that New Hanover County would be urbanized in the foreseeable future and that urban services would have to be provided to the entire county. The committee did not feel that outright consolidation could be made at that time. It recommended that the county immediately assume these jointly financed activities:

- (1) Civil defense
- (2) Health department
- (3) Public library
- (4) Muneum
- (5) Industrial promotion and advertising
- (6) Public parks and recreation
- (7) Inspections

(Since these reports were submitted, New Hanover County has assumed total responsibility for civil defense and the health department.) The reports also recommended "partial annexation" of adjacent urban areas over a period of time to provide selected city services to these areas. Residents of these "partially annexed" areas would be taxed only for services actually furnished by the City of Wilmington. Various other proposals were advanced for providing fire protection services, trash collection, and water and sewerage facilities. (It should be noted that this type of arrangement is not permitted under existing state annexation laws.) The reports concluded that an in-depth study of consolidation should be undertaken by competent professionals. The Wilmington-New Hanover Charter Commission was created ten months later.

EXTENT OF EXISTING FUNCTIONAL CONSOLIDATION

Many functions and activities have been consolidated in Wilmington and New Hanover County over a period of time. These functions are provided county-wide and supported by county-wide revenues:

Schools Coroner Tax Supervision

Health Jail Social Services (Welfare)

Mental Health Airport Hospital

Register of Deeds Civil Defense

These functions are provided county-wide under a single a administrative structure and financed jointly by the City of Wilmington and New Hanover County:

Museum Fianning and Zoning

Library Pet Control

Tax collection is also consulidated, with the county government and the governments of the four municipalities sharing its cost.

SUMMARY

Consolidation of local government in New Hanover County has been advocated by various individuals and groups, both political and nonpolitical, for a long time. Consolidation of functions and services is no stranger to the governments of Wilmington and New Hanover County. The proposed charter is but an extension of previous efforts and the logical next step for the community.

THE NEED FOR CONSOLIDATION

The present pattern of government in North Carolina developed when many of our citizens made their living on the farms and the roles of county and municipal governments were quite distinct. County governments were then essentially administrative subdivisions of the state—they previded for the enforcement of laws, the holding of courts, and the preservation of records needed by all citizens, both rural and urban. Municipal governments were organized to provide the special services needed when people live close together—streets, fire protection, refuse collection, water, and the like.

As we have moved from an agricultural to an industrial economy, the needs of all citizens have become more alike. Most citizens who live outside cities and towns today want and need many of the same kinds of public services that a century ago were provided only within cities by city government. In recognition of this fact, the state has increasingly authorized county governments in North Carolina to provide a wide range of services usually considered to be "municipal." In this class are water, sewerage, refuse collection and disposal, fire protection, parks and recreation, airports, libraries, and the like. The result is that county governments in North Carolina today are authorized to perform essentially all functions and provide all the services that city governments may offer except those related to streets and transportation.

Applying this analysis to New Hanover, we see that we have two governments authorized to provide substantially the same services throughout the county, and for people who need most of the services throughout the county whether they live inside the City of Wilmington or outside. Economy and efficiency in providing our public needs demands that the

services be coordinated and provided by a government responsible to all the citizens of the county.

Two governments have served us well in the past. Today we would be better served with a single government planning for services and providing them wherever they are needed.

The need for consolidating the governments of Wilmington and New Hanover county may be illustrated by a brief review of the advantages that might reasonably be expected to flow from consolidation.

- ... A single government would provide for better coordination in planning and administration, with an increase in efficiency and economy.
- ... A single government would be more representative. Today, actions by the Wilmington City Council affect citizens who live outside the city but are tied to the city socially and economically. These citizens, however, have no voice in the city's government.
- ... A single government would eliminate buck-passing and citizen confusion. With but one government, each citizen would know that it was his local government.
- ... Conflicts between city and county governments would be eliminated. At times in the past differences of views between our local governments have delayed necessary action. A single government, responsive to all citizens, would provide a means to resolve differences in a single governing board. The possibility for drawn-out negotiations between two separate parties with no procedure for assuring resolution of differences would be eliminated.
- ... A single government, with the flexibility of the proposed charter, would provide a more equitable taxing system. The structural limitations of the present arrangements at times probably cause the present system of financing services to be unfair to some citizens. With authority over all local government expenditures and revenues, a single government would have the power to maintain a fair system of taxation.

- ... Planning and development regulations--varying from building codes, to soning, to subdivision regulations--would be made standard on a county-wide basis. More orderly growth and less confusion and trouble for both the individual citizen and builders and developers should result.
- ... The community leadership that is available in our citizens from throughout the county would be made svailable to the single local government in the proposed arrangement. Today many citizens who are vitally interested in what happens in the City of Wilmington and could serve the city well in positions of political leadership cannot do so because they live outside municipal boundaries. In a consolidated government this leadership would be available. The total population of the county will be the pool from which community leadership may be drawn.
- ... Much of the county is becoming urbanized. Planning for meeting the public needs of these areas is now vested in two governments, which mometimes do not agree which one ought to be responsible. A single government would fix responsibility and should result in better planning and better and more economical extending of services.
- ... New Hanover County needs effective county-wide public leadership. The proposed plan would provide for a mayor to be elected on a county-wide basis every two years. As the chief executive elected in this fashion, he could provide leadership backed with a governing board that is also elected county-wide.
- ... A single government would be a great convenience to the individual citizen. For example, he would be able to visit one office to secure permits associated with construction,
- ... A single government would eliminate any duplication of functions and save tax dollars. Significant savings should be realized in the following areas that are pin-pointed here:

Administrative staff. Only one administrative staff would be required. Its workload will be the sum of that now carried on by the two separate administrations, but

Legal. A single legal staff for both governments and, perhaps, for agencies and commissions, could result in lower total cost.

Finance and accounting. The joint use of equipment and merging the two staffs, plus the reduction in number of tax notices and similar consolidations, should save money in this area.

Purchasing. A single purchasing office, with the increased competition that will come from larger-quantity purchases, would mean savings in securing governmental supplies and equipment.

Buildings and grounds. A single administrative staff, sharing equipment and allowing for specialization of personnel, ought to mean lower costs for these necessary acryices.

Inspections. Consolidating these functions would not only be more convenient for citizens but would also permit more efficient use of inspection personnel and automobiles. The result should be sayings for taxpayers.

These are but a few of the aconomics that a consolidated government will make possible. The increased scale of the consolidated Wilmington-New Hanover governmental activities will afford many opportunities to decrease the costs of governmental services.

The Charter Commission concludes that commolidation is clearly needed. Consolidation will give us a government more representative, more responsive, more efficient, more economical, and better suited to meeting all the needs of New Hanover citizens in the years ahead.

THE PROPOSED PLAN OF CONSOLIDATION

FORM AND POWERS.

The Consolidated Government of Wilmington and New Banaver County has been designed to provide a highly functional unitary government for New Hanover County. At the same time, the proposed plan calls for no drastic change in existing arrangements found within the two consolidating governments. It represents a natural development in governmental arrangements within the county.

First, the form of government remains the same. Both Wilmington and New Hanover County now have council-manager governments. This general plan is to be continued. The council-manager plan has served the citizens of Wilmington and New Hanover County well in the past. It is used by all North Carolina cities with populations of 10,000 or more and by almost all the state's larger counties. The Charter Countsion concluded that the council-manager plan should be retained.

Second, the proposed plan of consolidation is consistent with the trend of recent years toward more "home rule" for county and municipal governments in North Carolina. County governments have recently been granted extensive powers to adopt ordinances relating to the better government of counties and the health, safety, and welfare of their citizens. Increased authority to manage their own affairs in such matters as setting fess, organizing and reorganizing their administrative structures, and modifying their forms of government have been granted to both city and county governments by the state legislature. The proposed charter wests in the recommended consolidated government the same "home rule" powers now held by the Wilmington and New Hanover governments.

Third, the authority of county governments in North Carolina to provide services and functions previously considered to be "municipal" services and functions has been greatly enlarged in recent years. Thus, for example, Now Hanover County today is authorized to provide water and sewerage services, garbage collection and disposal, fire protection, and airports as well as such traditional functions as education, health, and welfare. The consolidated government proposed will have all the powers and authority throughout its jurisdiction that both cities and counties in North Carolina now have. It will be a comprehensive local government, empowered as fully as any local government in North Carolina to meet the needs of all New Hanover citizens.

In a legal sense, the consolidation will transform the New Handver County government into a county government with all the powers of both a city and a county. The City of Wilmington, as an independent municipal corporation, will be abolished. The special needs of the citizens of the natural city of Wilmington will be met through the urban service district arrangement of the proposed charter.

SERVICE DISTRICTS

The Charter Commission early decided that some services and functions would be needed throughout the county, some would be needed only in urban areas, and some would be needed at a higher level in urban areas. It also concluded that fairness to all citizens demanded that those receiving or banefiting from a service or function should meet its cost. Citizens should be taxed (or charged) for services received. They should not be taxed (or charged) for services not received and for functions not provided for their general benefit.

To accomplish this objective within a single government, a plan of service districts was developed. Under the proposed plan, the New Hanover Service District will include all of New Hanover County. Services provided throughout, or for the benefit of, all of New Hanover County will be financed by county-wide taxes and charges. Health, education, welfare, and the operation of the jails, for example, would fall into this class. Some services—for example, street lighting,

sidewalks, and streets--may be needed only in urban areas. The plan calls for the creation of urban service districts in which such services may be provided at the expense (through taxes or special charges) of those within the urban area who receive the special or higher-level services.

The area within what is now the City of Wilnington will become the first urban service district immediately after consolidation. The consolidated governing board will be authorized to create other urban service districts (with, perhaps, a different level of services) when the need arises.

The service district arrangement will assure fair and equitable taxation of all New Hanover citizens.

BOARD OF COMMISSIONERS

The legislative body of the consolidated government will be the board of commissioners, replacing the Wilnington City Gouncil and the New Hanover Board of County Commissioners. The board of commissioners will have nine members elected in partisan elections to serve two-year concurrent terms. They will be elected at large by all the voters of New Hanover County.

The board of commissioners will adopt all ordinances and resolutions and establish policies for the government. It will adopt the budget and set the tax rate. The board will also make all appointments to the various boards, commissions, committees, and authorities unless otherwise stated in the charter.

The board of commissioners will appoint the attorney, the tax collector, the tax supervisor, and the clerk to the consolidated government. The police and fire chiefs of the Wilmington Urban Service District will be appointed by the board of commissioners upon the recommendation of the manager.

Each board member will be required to vote on all matters unless excused because a matter involves his official conduct or personal or financial interests. Members will be paid \$2,400 per year.

MAYOR

The mayor will be the chief executive officer of the consolidated government. He is to be elected at large in a partisan election for a two-year term. He will have all the duties and responsibilities now held by the mayor of Wilmington and the chairman of the board of county commissioners. He will also have all the rights, duties, powers, and responsibilities of members of the board of commissioners. The initial salary of the mayor will be \$3,600 per year.

OTHER ELECTED OFFICIALS

The office, powers, and duties of the sheriff, register of deeds, coroner, and members of the board of education will continue without change.

ELECTIONS.

Regular elections of the consolidated government will be held in the fall of even-numbered years, thus combining consolidated elections with state and national elections. Partisan primary elections will be held before general elections at the same time as the primary for state and national officials.

BOARDS, COMMISSIONS, AUTHORITIES, AND COMMITTEES

All boards, commissions, authorities, and committees—
including those that are semi-independent, technical, and
advisory—will be continued in the commolidated government.

An any be consistent with state and federal law, the
board of commissioners will be authorized to create, abolish,
consolidate, or reorganize these agencies. The composition
of the board of health is to be modified and the museum
board of trustees will become an advisory rather than an
independent board. The planning commission is to have
suthority to review and comment on all plans for publicly
owned open space, buildings, structures, and site locations.

MANAGER

A manager will be appointed by the board of commissioners to hold office at the board's pleasure. He will be the administrative head of the consolidated government. It will be the manager's responsibility: to see that laws of the state and the consolidated government are executed and enforced; to attend all meetings of the board and recommend measures for adoption; to make reports to the board; to appoint and remove essentially all consolidated government employees not appointed by the mayor or the heard and in accordance with personnel rules and regulations adopted by the board. It will be his responsibility to direct and supervise the administration of all departments of the consolidated government under general policies adopted by the board, except as otherwise provided by law.

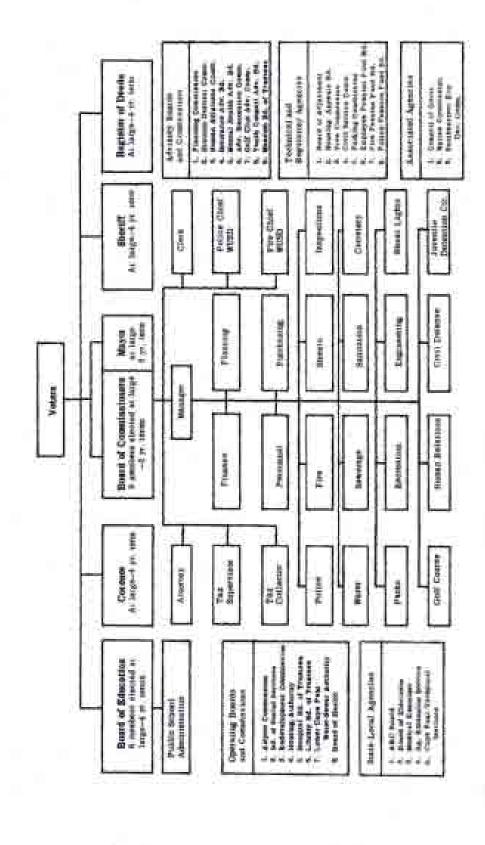
PERSONNEL AND CIVIL SERVICE

A system of personnel administration will be established by the board of commissioners. It will cover all employees of the consolidated government except elected officials; employees of the board of education; employees of any agency, board, commission, and authority authorized to appoint its own chief administrative officer; and firemen and police officers of the Wilmington Urban Service District. Firemen and police officers of the urban service district are to be under the jurisdiction of a civil service commission that has authority to establish research requirements for appointment and supervise the examination of applicants. Appeals of police officers and firemen from dismissal will be heard by the civil service commission.

BEDGETING

The general law governing the preparation and adoption of budgets by city and county governments in North Carolina will also apply to the consolidated government. The manager will be responsible for preparing the proposed budget for the governing body's consideration. It is the governing body that will adopt the budget, and consequently it will be the governing body that will decide upon the level of services to be provided, both county-wide in the New Hanover Service District and within any urban service districts. In keeping with the service district arrangement and to assure adherence

PROPOSED ORDANIZATION FOR THE CONSOLIDATED COVERNMENT OF WILMINGTON AND NEW HANOVER COUNTY



with the principles of fair taxation outlined above, the charter requires that the budget by prepared in parts: one part for the New Hanover Service District and one part for each urban service district. Each part must be balanced. The revenues raised by the citizens of each district must be equal to all the costs of providing services to that district.

REVENUES AND TAXATION

The charter of the proposed government provides that certain revenues will be used on a county-wide basis only, others will be used in the urban service districts only, and still others will be allocated by the governing board. The result will be a revenue system that can mean fair taxation to every citizen.

Among the non-property tax revenues to be allocated for county-wide use only are the excise stamp tax on conveyances of real estate, county-wide privilege licenses taxes, CATV franchise tax, and the dog tax. Only one county-wide dog tax will be available for use in the consolidated government. The dog tax now imposed by the City of Wilmington will be eliminated.

The revenues that the charter restricts for use in the urban service districts include: state street-sid funds, state-shared utility franchise taxes previously going only to cities, traffic violation penalties, taxicab license taxes, motor vehicle license taxes, and privilege license taxes levied only within an urban service district. The consolidated government may levy the taxicab license tax and the motor vehicle license tax only in an urban service district.

Some other specific revenues are to be allocated by the governing board. The state-collected intengibles tax distributed to New Hanover County is to be divided among the New Hanover Service District, any urban service district, and any cities or towns as if the New Hanover Service District were a county and each urban service district were a city.

Arrest fees will be allocated between the New Hanover Service District and each urban service district in proportion to law enforcement expenditures in each district in the previous fiscal year.

All fees and charges imposed by the consolidated government for a particular service, facility, or function are to 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 New Hanover Service District and to a greater extent for one or more urban service districts, the board of commissioners will determine the allocation of the fee or charge.

Proceeds from the sales tax, from ABC profits, and from the county's share of the state tax on beer and wine are to be allocated among the New Hanover Service District and any urban service districts at the discretion of the governing board.

The property tax in the consolidated government will be used as it is now used by the city and county governments—as a residual tax. That is, after the governing board determines the level of expenditures and the amount of other revenues that will be available for each part of the budget, it will levy a property tax at the level necessary to balance the budget. The level of property taxes will thus reflect the level of services and the availability of other revenues, and, most important, the decisions of the governing board about the needs of the people.

TAX LIMITS

The consolidated government may levy taxes on property to support any service, facility, or function it is authorized to undertake by the 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 a rate exceeding 75 cents on the \$100 appraised valuation. The property tax levied within any urban service district to support the purposes of the district may not be levied at a rate exceeding \$1.50 on \$100 appraised valuation.

These limitations do not apply to property taxes levied (a) for debt service on general obligation bonds of the

consolidated government; (b) for the support of the public schools; or (c) pursuant to a special vote of the people.

DEST LIMITS

Limitations on indebtedness of the proposed consolidated government are based on those now applying to cities and counties in North Carolina, General obligation indebtedness of the consolidated government will be limited to 8 per cent of the assessed valuation of taxable property in the county-the same limit that will be applicable to other counties in the state. The charter will also impose a limit of 8 per cent for purposes other than schools and utilities. This limit compares with the present 8 per cent limit for cities with respect to nonutility general obligations. All bonded indebtedness of the consolidated government will be indebtedness of the entire consolidated government, and voting on bond issues will be county-wide, even though in particular cases (for street purposes, for example) all taxes levied to meet debt services may be levied only within an urban service district.

CONTINUING MUNICIPALITIES

The corporate municipalities of Wrightsville Beach, Carolina Beach, and Kure Beach will continue without change. These towns and their residents will relate to the consolidated government in substantially the same manner as they now relate to New Hanover County. The citizen of each continuing municipality will also be a citizen and voter of the consolidated government, just as each is now a citizen and voter of New Hanover County. These citizens will receive all the services of the consolidated government that will be provided county-wide. They may continue to provide additional services within their towns as they do now.

The charter provides that continuing municipalities may later elect to become urban service districts of the consolidated government by means of a referendum.

TRANSITION

To assure continuity of experience and avoid any disruption of administration, the transition from the existing governmental arrangement to the consolidated government will be arranged in stages.

If the voters approve consolidation at the election on November 7, 1972, detailed planning for the new government will begin immediately. The members of the New Hanover Board of County Commissioners and the Wilmington City Council serving on the date the consolidated government is to be established-April 2, 1973-will become the first members of the board of commissioners of the consolidated government, and the member they select will be the first mayor. These officials will be in office during the interval between the voters' approval of consolidation and the effective date of the consolidated government, and thus in an excellent position to start planning for the transition early. They will be responsible for both the existing governments and the new government. Their experience with the separate governments of Wilmington and New Hanover County will enable them to plan well for the transition and to direct the establishment of the new consolidated government in its early months.

Continuity of experience in the administrative staffs is also assured by the plan of transition. The proposed charter provides that on the date the consolidated government is established, all officers and employees of the City of Wilmington and New Hanover County will become officers and employees of the consolidated government. Furthernore, all ordinances and policies of the previous governments will continue in effect in the same jurisdiction in which they were previously effective until changed by the governing board of the consolidated government.

This continuation of officers, employees, law, and policies will enable the new consolidated governing body to take the time necessary to study new administrative arrangements, to review ordinances and policies, and to make changes in a deliberate and orderly manner that will meet the needs and desires of all the people of New Hanover County. The plan of transition requires no hasty and ill-considered action.

As noted before, the single consolidated government will be better able to plan for the needs of New Hanover citizens and provide them with a more economical government. In a number of areas it is anticipated that reductions in the number of employees will be possible. It is also anticipated, however, that the full administrative transition will require from one to two years. During this period. normal personnel turnover will enable the consolidated government to achieve the appropriate staff reductions without having to release any current employees except for normal and voluntary reasons. Wilmington and New Hanover County now have able and dedicated officers and employees. The consolidated government will need their capabilities. and in the new government they will find even greater opportunities for service to the people of New Hanover County.

The 1972-73 budgets for Wilmington and New Hanover County will have been adopted separately before April 2, 1973, the effective date of the consolidation. The transitional provisions of the charter provide that the consolidated government shall administer these budgets for the remainder of the 1972-73 fiscal year according to their terms. The 1973-74 budget will be the first consolidated budget.

When the members of the Wilmington City Council and the New Hanover Board of County Commissioners meet on April 2, 1973, they will first elect one of themselves to serve as mayor. The other nine will constitute the initial board of commissioners of the consolidated government. These officials will serve for eight months—until December 4, 1973. During the fall of 1973 the first consolidated primary and general election will be held, and the persons elected will take office on December 4, 1973, to serve terms of three years. The initial term of three years provides a transition

from the four-year terms found in the existing governments and brings the election schedule into agreement with the regular state and county elections held every two years on even-numbered years. With the 1976 elections, and thereafter, the mayor and all members of the board of commissioners will be elected at the same time for terms of two years.

The schedule for the transitional period from the date of the referendum on consolidation until the date of the first regular election in 1976, assuming voter approval, is as follows:

November 7, 1972. County-wide referendum on compolidation.

November, 1972, Detailed planning for establishment of to April, 1973. the consolidated government.

Pebruary, 1973. Enactment of the consolidated charter by the 1973 General Assembly of North Carolina.

April 2, 1973. Date of establishment of The Commolidated Government of Wilmington and New Hanover County.

June, 1973. Adoption of first commolidated budget -- for 1973-74 fiscal year.

September 11, 1973. First primary for nomination of candidates for mayor and board of commissioners.

November 6, 1973. First election for mayor and board of commissioners (these officials will serve three-year terms).

December 4, 1973. First elected officials of the consolidated government take office (first Monday in December).

Spring and fall, First consolidated elections on the 1976. permanent schedule (two-year terms with a primary in May and election in November).

APPENDIXES

A. THE COMMISSION AND ITS WORK

The Wilmington-New Hanover Charter Commission was created by the governing boards of the local governments in New Hanover County in July of 1970. The Commission at first had fourteen members. Of these, five were appointed by the Wilmington City Council and five by the New Hanover Board of County Commissions. These two bodies, acting jointly, appointed the chairman. The towns of Carolina Beach, Kurs Beach, and Wrightsville Beach each appointed one member. Later, to make the Commission more broadly representative, the Wilmington City Council and the New Hanover Board of County Commissioners jointly appointed four more members, bringing the Commission membership to sighteen.

A Citizens Review Committee of forty-two persons was appointed to work with the Charter Commission. The governing boards of Carolina Beach, Kure Beach, and Wrightsville Beach each appointed two members, and the Wilmington City Council and the New Hanover Board of County Commissioners each appointed eighteen.

Staff assistance for the Commission was provided by an executive director and secretary, an attorney, and a consultant. The executive director served on a leave from his previous post as director of the Wilmington-New Hanover Planning Commission. The attorney was also the Wilmington city attorney and had previously served as New Hanover county attorney. The consultant was the Institute of Government of the University of North Carolina at Chapel Hill.

The names of the members of the Charter Commission, the Citizens Review Committee, and the staff appear on the back cover of this report.

The Commission used the summer of 1970 to develop its organization and arrange for staffing. The executive director started work with the Commission in October, 1970, and at that time began to prepare the spacial reports on functions and activities. These are listed in Appendix B. The managers and department heads of the city and county governments contributed greatly to the development of the staff reports on functions and activities.

The study phase of the Commission's work was carried on principally by five committees: Health, Education, and Welfare; Public Safety; Planning and Regulation of the Physical Environment: Public Works, Utilities, and Enterprises; and Administrative and Regulatory Functions and Activities. Each committee was composed of two or three members of the Charter Commission and eight or nine members of the Citizens Review Committee. Each committee studied the technical reports appropriate to its area. The reports were considered by the committees in public hearings at which the city and county officials concerned with the particular function or activity and interested groups and citizens were invited to share information with the committees and make recommendations about the function or activity in a consolidated structure. Committes hearings were held from November, 1970, through July, 1971.

The fundamental questions of governmental structure and organization—the form of government, the number of members of the governing body and their manner of election, and questions of financing—were studied by the full Charter Commission. Its meetings on these questions (and on other questions not directly covered by one of the committees) were held between October, 1970, and September, 1971. All meetings of the Commission were open to the public and the Commission's work was covered regularly by the local newspapers and television stations.

The Commission completed its preliminary decisions by sarly September, 1971. The first draft of the charter was issued on October 1, 1971. A series of mentings followed in which the full Commission reviewed its preliminary decisions, and a second draft of the charter was published on November 15, 1971.

This second draft was the basis for special public hearings with local governing boards and the general public that were held during December, 1971, and January, 1972. The final Commissions meeting, at which the last changes were made, took place on February 22, 1972. Between that date and March 31, 1972, the staff finished making changes in the charter and arranging for the publication of this report.

While the Commission found that interest in city-county consolidation has a long history in New Hanover County, it also found that records of previous efforts are few and hard to locate. The Commission believes that this recommended consolidation of the governments will constitute a significant step in the history of the New Hanover County. It has taken steps, therefore, to assure that the full record of the Commission's work will be available to citizens and students of government in the future. When its work is over, the complete files-containing all correspondence, records, minutes of meetings, and formal reports and documents-will be deposited with the Wilmington-New Hanover Public Library. where they will be permanently available. Copies of the formal reports and documents are also being deposited with the library of the University of North Carolina at Wilnington.

N. REPORTS AND DOCUMENTS

These are the major reports, documents and research memorands developed for the Wilmington-New Hanover Charter Commission by the Commission's Executive Director, consultant, and local officials during the Commission's work.

Report of the Commission

Preparing for Tomorrow, March 31, 1972, Po. 44.

Drafts of the Charter and Companion Legislation

- A Proposed Charter for the Consolidated Government of Wilmington and New Hanover County. First Draft, October 1, 1971. Pp. 95.
- A Proposed Charter . . . Second Braft, November 15, 1971. Pp. 51.
- A Proposed Charter . . . Final Draft, March 31, 1972.
 Pp. 97.

Reports on Functions and Activities

- The City of Wilmington: Structure, Financing and Activities. October, 1970. Pp. 5.
- 2. The County of New Hanover. October, 1970, Pp. 6.
- 3. New Hanover County Airport. December, 1970, Pp. 40.
- New Hanover County Sheriff's Department and Municipal Police Department. December, 1970. Pp. 34.
- 5. Register of Beeds. December, 1970. Pp. 12.
- 6. Southeastern Mental Health Center. December, 1970. Pp. 7.
- 7. Department of Social Services. December, 1970. Pp. 11.
- 8. Wilmington-New Hanover Museum. December, 1970. Pp. 7.
 - Wilmington-New Hanover County Good Neighbor Council and Human Relations Department. December, 1970. Pp. 8.
 - 10. Wilmington Public Library. December, 1970. Pp. 11.
 - Planning, Zoning and Land Regulation. December, 1970.
 Pp. 9.
 - Building Inspection, Electrical Inspection, Plumbing Inspection, and Zoning Enforcement. December, 1970. Pp. 16.
 - 13. Civil Defense. January, 1971. Pp. 5.
 - 14. Agricultural Extension Service. January, 1971. Pp. 5.
 - Engineering Services, Traffic Engineering, and Public Building Maintenance. January, 1971. Pp. 15.
 - Fire Protection. January, 1971. Pp. 14. Addendum to Report Number 16. <u>Rural Fire Protection</u>. July, 1971. Pp. 4.
 - 17. Public Housing. January, 1971. Pp. 6.

- 18. Insurance Advisory Committee. January, 1971. Pp. 4.
- Employee Retirement Programs Wilmington-New Hanover County. January, 1971. Pp. 4.
- 20. Public Health. January, 1971. Pp. 10.
- Porm of Government. Pebruary, 1971. Pp. 37.
 Supplement. February, 1971. Pp. 18.
- 22. Urban Renewal. February, 1971, Pp. 9.
- 23. Streets, Sidewalks and Storm Drainage. February, 1971.
 Pp. 8.
- 24. Refuse Collection and Disposal. February, 1971. Pp. 6.
- Water and Sewerage Systems. February, 1971. Pp. 12. Supplement to Reports 23, 24 and 25. February, 1971. Pp. 7.
- 26. Parks and Recreation. February, 1971. Pp. 14.
- 27. Personnel. March, 1971. Pp. 46.
- 28. Tax Administration. March, 1971. Pp. 9.
- 29. Finance and Accounting. March, 1971. Pp. 26.
- 30. A.B.C. Board. March, 1971. Pp. 3.
- 31. Elections. April, 1971. Pp. 6.
- 32. Hospitals, April, 1971, Pp. 3.
- 33. Pet Control. April, 1971. Pp. 5.
- 34. Education. April, 1971. Pp. 7.
- 35. Purchaning. April, 1971. Pp. 4.
- 36. Miscallaneous Contributions. April, 1971. Pp. 3.
- 37. Jury Commission. May, 1971. Pp. 6.
- 38. City and County Ordinances. May, 1971. Pp. 9.

Memoranda

- Comparison of the proposed Charlotte-Mecklenburg charter and the proposed Wilmington-New Hanover charter. October, 1971. Pp. 4. By Timothy Wood.
- Speech to the Wilmington Rotary Club. October, 1971.
 Pp. 7. By Fred B. Graham.
- A Brief History of the Development of the Government of New Hanover County, N. C. October, 1971. Pp. 6. By Ted A. Schumacher.
- A Brief History of the Government of the City of Wilmington, N. C. October, 1971. Pp. 7. By Ted A. Schumacher.
- Financing the Proposed Consolidated Government of Wilmington and New Hanover County. November, 1971, Pp. 9. By Warren J. Wicker.
- Suggestions for Changes in the Proposed Charter, November, 1971. Pp. 8. By J. A. Jones.

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