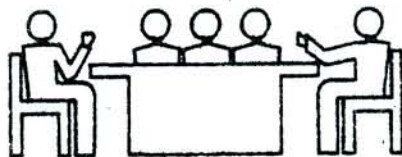




WILMINGTON NEW HANOVER



CONSOLIDATED GOVERNMENT



WILMINGTON / NEW HANOVER CHARTER

PREPARED BY

THE CONSOLIDATION CHARTER COMMISSION

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WILMINGTON / NEW HANOVER CHARTER

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CHARTER - WILMINGTON / NEW HANOVER

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 1.1 CREATION

The powers, duties, rights, privileges and immunities of the City of Wilmington and the County of New Hanover are consolidated into one WILMINGTON / NEW HANOVER CONSOLIDATED GOVERNMENT, herein called the GOVERNMENT.

a. The GOVERNMENT is the legal successor to the separate governments of the City of Wilmington and the County of New Hanover.

b. New Hanover County continues as a county of the State of North Carolina.

c. The City of Wilmington is abolished as an independent municipal corporation.

ARTICLE 1.2 BOUNDARIES

The GOVERNMENT has jurisdiction and extends territorially throughout the total area of New Hanover County.

ARTICLE 1.3 POWERS AND DUTIES

The GOVERNMENT shall perform the duties and serve the purpose required of counties and municipalities under the Constitution and laws of the State of North Carolina.

a. The GOVERNMENT is a constituted politic and corporate body that has perpetual succession; may sue and be sued; may contract; may acquire and hold property and rights of property, real and personal, that may be bequeathed, sold or in any manner, conveyed or dedicated to or otherwise acquired by the GOVERNMENT; and may hold, invest, sell or dispose of such property and rights of property.

b. The GOVERNMENT shall have the rights, powers, duties, privileges and authority that the City of Wilmington and/or the County of New Hanover now has or will be granted to counties and/or municipalities by the Constitution of the State of North Carolina.

c. The GOVERNMENT shall have rights, powers, duties, privileges and authority provided by the CHARTER, and to exercise implied powers necessary to carry out the execution of powers granted in this CHARTER as fully and complete as if the implied powers were fully enumerated in this CHARTER and to perform acts pertaining to local affairs, property and government, which are necessary and proper in the legitimate exercise of the GOVERNMENT'S duties and functions.

d. The GOVERNMENT, in addition to the rights, powers, duties, privileges and authority provided by the CHARTER, shall exercise and enjoy other rights, powers, duties, privileges and

2. On the effective date of consolidation, the terms of office of all elected officials of the town automatically terminate and the offices are abolished.

g. In exercising and enjoying any power, duty, right, privilege or immunity, the 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 GOVERNMENT shall supplement the CHARTER procedure by applicable procedures set out in other statutes. If no procedure is set out in the CHARTER, the 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 GOVERNMENT may proceed under either.

h. The procedure set out in any statute, when employed by the GOVERNMENT, is deemed amended to conform to the structure and administrative organization of the GOVERNMENT. If a statute refers to the governing body or the governing board of a county or municipality, the reference, except as otherwise provided in this CHARTER, means the Board of Representatives shall by resolution designate an appropriate official to act as fully as if his office were specified in the statute.

i. No city or town may annex territory included within the boundaries of the GOVERNMENT unless the Board of Representatives agrees by resolution.

CHAPTER 2 GOVERNMENT

ARTICLE 2.1 STRUCTURE

SECTION 2.1-1 GENERAL

The GOVERNMENT shall be a Mayor-Board of Representatives-Manager form of government. The Mayor and the Board of Representatives shall be elected in non-partisan elections, using the election and runoff method.

a. The Mayor shall be elected at large by the qualified voters of the GOVERNMENT for a four (4) year term.

b. The Representatives shall be elected to positions consisting of eight (8) total members, four (4) known as District Representatives and four (4) known as Representatives-At-Large. District Representatives shall be elected by the total qualified voters of those respective districts. Representatives-At-Large shall be elected by the total qualified voters of the GOVERNMENT. All Representatives shall serve four years.

SECTION 2.1-2 MAYOR - POWERS AND DUTIES

The Mayor is the chief executive officer of the GOVERNMENT. Consistent with the provisions of this CHARTER, the Mayor shall have the powers, duties, rights, privileges and immunities granted to and imposed on the Chairman of Boards of County Commissioners and Mayors of the cities by the general laws of the

i. Nominate, or request for removal or suspension, the Chief of Police, per ARTICLE 4.4.

j. Nominate, or request for removal or suspension, the Board of Representatives' Clerk.

k. Perform the other duties and carry out the powers as defined in this CHARTER.

SECTION 2.1-3 BOARD OF REPRESENTATIVES - POWERS & DUTIES

Legislative powers of the GOVERNMENT are vested in the Board of Representatives, and the Board of Representatives shall have the right to legislate with respect to any and all matters, which are within the powers of the GOVERNMENT. The Board of Representatives shall:

a. Review the budgets of, including salaries, and appropriate monies to, the GOVERNMENT and independent agencies, which request appropriations in writing from the GOVERNMENT in accordance with this CHARTER.

b. Levy taxes as required to meet the appropriated monies.

c. Approve a system for personnel administration.

d. Recommend the appointment, suspension and/or removal from office of the Manager or the Attorney.

e. Appoint, suspend and/or remove from office the Manager or the Attorney, by a two-thirds (2/3) vote of the Board.

f. Nominate, appoint, and remove by a majority vote,

members to Advisory Boards, Commissions and Committees.

g. Appoint, remove or suspend the Police Chief, based on the nomination and recommendation of the Sheriff, the Mayor and the Manager.

h. Appoint, remove or suspend the Director, Emergency Medical Services, upon the recommendation of the Manager.

i. Appoint, remove or suspend the Fire Marshall based on the nomination and recommendation of the Manager.

j. Appoint, remove or suspend the Fire Chief based on the nomination and recommendation of the Manager and the Fire Marshall.

k. Appoint, or remove the Board of Representatives' Clerk based on the nomination and recommendation of the Mayor.

l. Approve policy, recommendations and actions taken by the Boards, Commissions and Committees when required per CHAPTER 5 of this CHARTER.

m. Perform the other duties and carry out the powers as defined in this CHARTER.

ARTICLE 2.2 MAYOR

SECTION 2.2-1 ELIGIBILITY

The following requirements shall be met to be eligible to be elected and hold the office of Mayor.

a. A citizen of the United States.

b. A resident and qualified elector of the GOVERNMENT for at least two (2) years prior to the closing date for filing for the office.

c. Be at least twenty-one (21) years of age on the date of taking office.

d. Not hold another paid position within the GOVERNMENT.

SECTION 2.2-2 COMPENSATION

a. Initially, the annual salary of the Mayor shall be Fourteen Thousand Five Hundred (\$14,500.00) Dollars.

b. Future salaries of the Mayor shall be established by the Board of Representatives but shall not be established more often than every four (4) years following the initial establishment of salary. However, no salary increase shall exceed the increase in the Consumer Price Index (CPI) since the last establishment of salary.

SECTION 2.2-3 ABSENCE

The sum of one per cent (1%) of the annual salary shall be deducted from the Mayor's pay for each absence from a regular meeting of the Board of Representatives, which is not excused. There shall be no deductions from the Mayor's salary when the Board of Representatives excused the absence by passing a resolution stating the reason for the absence and recorded same in the minutes, or the Mayor was on official business of the

GOVERNMENT.

SECTION 2.2-4 VACANCY OR REMOVAL

The Board of Representatives shall declare the office of Mayor to be vacant when one or more of the following conditions exists:

a. The Mayor ceases to be a resident and/or a qualified elector of the GOVERNMENT.

b. The Mayor dies, resigns, or is declared mentally incompetent by a court of competent jurisdiction.

c. The Mayor is absent from five (5) consecutive Board of Representatives regular meetings, except for excused absences or while on official business of the GOVERNMENT.

d. The Mayor is removed from office under the provisions of the laws of the State of North Carolina.

A vacancy which occurs two (2) years or more prior to the next GOVERNMENT general election shall be filled for the unexpired term by election at the next special or general election. The Mayor Pro Tempore shall serve as Mayor, with all the powers and duties of the office, until a Mayor is elected at the next election and takes office per the requirements of this CHARTER.

ARTICLE 2.3

BOARD OF REPRESENTATIVES

SECTION 2.3-1

ELIGIBILITY

The following requirements shall be met to be eligible to be elected and hold the office of Representative.

a. A citizen of the United States.

b. A resident and qualified elector of the GOVERNMENT for at least two (2) years prior to the closing date for filing for the office.

c. A District-Representative be a resident of the district at least one (1) year prior to the closing date for filing for the office.

d. Be at least twenty-one (21) years of age on the date of taking office.

e. Not hold another paid position within the GOVERNMENT.

SECTION 2.3-2

COMPENSATION

a. Initially, the annual salary of the Representatives shall be Nine Thousand Six Hundred (\$9,600.00) Dollars.

b. Future salaries shall be established by the Board of Representatives but shall not be established more often than every four (4) years following the initial establishment of salary. However, no salary increase shall exceed the increase in the Consumer Price Index (CPI) since the last establishment of salary.

SECTION 2.3-3 ABSENCE

The sum of one percent (1%) of the annual salary shall be deducted from the Representative's pay for each absence from a regular meeting of the Board of Representatives, which is not excused. There shall be no deductions from the Representative's salary when the Board of Representatives excused the absence by passing a resolution stating the reason for the absence and recorded same in the minutes, or the Representative was on official business of the GOVERNMENT.

SECTION 2.3-4 VACANCY OR REMOVAL

The Board of Representatives shall declare the office of a Representative to be vacant when one or more of the following conditions exists:

a. A Representative ceases to be a resident and/or a qualified elector of the GOVERNMENT.

b. A District-Representative resides outside the boundaries of the represented district, except in the event redistricting should occur during the elected term.

c. A Representative dies, resigns or is declared mentally incompetent by a court of competent jurisdiction.

d. A Representative is absent from five (5) consecutive Board of Representatives regular meetings, except for excused absences or while on official business of the GOVERNMENT.

e. The Representative is removed from office under the provisions of the laws of the State of North Carolina.

f. The Mayor Pro Tempore fills the unexpired term of the Mayor.

A vacancy which occurs two (2) years or more prior to the next GOVERNMENT general election shall be filled for the unexpired term by election at the next special or general election. The Board of Representatives shall make a temporary appointment of an eligible person per SECTION 2.3-1, by a majority vote of the remaining Representatives.

ARTICLE 2.4 ELECTORAL DISTRICTS

There shall be four (4) Electoral Districts of the GOVERNMENT on the effective date of this CHARTER.

SECTION 2.4-1 CURRENT ELECTORAL DISTRICTS

The four (4) Electoral District boundaries are established as defined in Appendix D.

SECTION 2.4-2 REDISTRICTING

a. Within six (6) months following publication of each official Federal or State census of the GOVERNMENT, the Government Planning Commission shall perform any necessary reapportioning of the four (4) Electoral Districts so that all districts are as nearly equal in population and are arranged in a

logical and compact geographic pattern to the extent possible. If the Government Planning Commission is unable to complete any necessary reapportionment within the six-month requirement, the Government Attorney shall petition the Circuit Court to effect such reapportionment.

b. Any reapportionment of the Government Electoral Districts made pursuant to this section, shall not affect any term of office in existence on the date of such reapportionment, but shall be applicable only to the next succeeding general election.

Regular Meetings - The Board of Representatives shall hold regular meetings to conduct the normal business of the GOVERNMENT. The following rules shall apply:

a. The Board of Representatives shall hold at least two (2) regular meetings each month, not to be scheduled within consecutive weeks.

b. At least one of the meetings shall be conducted as an evening meeting, starting after 6:45 P.M.

c. The Board of Representatives shall establish the time, date and place for each meeting.

d. Each Representative shall designate in writing the location to which the written notice of meeting is to be sent.

e. A written notice, stating the time, date, location and agenda, shall be issued and delivered at least forty eight (48) hours in advance of the meeting to the location designated in writing by each Representative.

f. The Board of Representatives' Clerk shall issue an agenda for each meeting. The agenda shall:

1. Provide for as a minimum and in the following order:

- a) Approval of the minutes.
- b) Public comments.
- c) Administrative, committee reports.

d) Unfinished business.

e) New business.

2. Have attached a copy of proposed ordinances and resolutions.

3. Be made available, with attached ordinances and resolutions, for public inspection as soon as completed.

4. Be sent, with attached ordinances and resolutions, to each Board of Representatives' member with the notice of the meeting.

5. Be made available (copies), with attached ordinances and resolutions to the members of the public upon request and supplied to members of the public attending the meeting.

g. Only the items stated on the agenda may be transacted at the meeting, unless added to the agenda, by two thirds (2/3) or more vote of the Board of Representatives' members attending the meeting. No final vote may be taken on any item added to the agenda, prior to the next meeting.

h. The Board of Representatives may continue a meeting, provided it is reconvened within a reasonable period of time.

Special Meetings - The Board of Representatives may hold special meetings to conduct business that cannot be conducted at a regular meeting. Regular meeting rules for written notice,

issuance of agenda, transaction of agenda items and continuation of the meeting shall apply.

Emergency Meetings - The Board of Representatives shall hold an emergency meeting for only an item that cannot be conducted at a regular/special meeting and poses an immediate threat to the welfare of the GOVERNMENT or its residents. The following rules shall apply:

a. A meeting may be called by the Mayor or any Representative.

b. Each Representative shall provide in writing a telephone number(s) at which notice of the meeting shall be given.

c. Notice shall be attempted, in advance of the meeting, to the telephone number(s) designated by each Representative.

SECTION 3.1-2 QUORUM & VOTING

A quorum shall be more than half of the Board of Representatives. Voting shall be conducted as follows:

a. Proxy voting shall not be allowed.

b. A Board of Representatives member shall state the nature and extent of any personal interest prior to discussion and/or voting on any ordinance, resolution, motion or other action.

c. A Board of Representatives' member shall be excused from voting, but only on matters involving personal conduct, or personal or financial interests.

d. Any Board of Representatives' member present, not excused from voting, who does not vote shall be recorded as having voted affirmatively.

e. The vote of each Board of Representatives' member on each ordinance, resolution, motion or other action shall be recorded.

ARTICLE 3.2 LEGISLATIVE POWERS

SECTION 3.2-1 BOARD OF REPRESENTATIVES

All legislative powers of the GOVERNMENT are vested in the Board of Representatives. The Board of Representatives shall take official action only by the adoption of ordinances or resolutions, entered in full in the minutes of the meeting.

SECTION 3.2-2 CONSIDERATION & APPROVAL

ORDINANCE - Official actions which are to become law or change this CHARTER shall be by ordinance.

a. An ordinance may be introduced by any member or members of the Board of Representatives.

b. Each proposed ordinance shall be in writing, contain only one subject and be clearly titled expressing that subject.

c. An ordinance may be presented to and become effective on a vote of the people, provided:

1. The Board of Representatives adopts a resolution,

at the same meeting, to call a referendum for the purpose of submitting the ordinance to a vote. Such resolution may be repealed or modified up to sixty (60) days prior to the scheduled referendum.

2. The referendum is held within one hundred twenty (120) days after the day the ordinance is adopted.

3. The referendum is conducted pursuant to the provisions of Chapter 163 of the General Statutes of North Carolina.

4. The ordinance can be repealed only on the vote of the people.

d. No ordinance shall be passed or adopted until it has been read at two (2) regular meetings, not less than one week apart. One of the meetings shall be a day meeting and the other an evening meeting. This requirement for reading may be dispensed with at either or both of the meetings when:

1. The Board of Representatives determines that a state of emergency exists (Section 3.1-1) and,

2. The Board of Representatives adopts the ordinance, after reading, by an affirmative vote of three fourths (3/4) of the members present.

e. No ordinance shall be passed or adopted except by the affirmative vote of the majority of the members present.

f. No ordinance shall be passed or adopted, which requires appropriations or authorizing of contracting of indebtedness or the issue of bonds or other appropriating of monies, without the methods for the appropriations being included as part of the ordinance.

g. No ordinance shall be revised or amended by its title or any part, without presenting the entire ordinance as revised or amended.

h. Ordinances which have become law shall immediately be recorded in the official archives with the Clerk, noting the date and time it has become law, and available to the public.

RESOLUTION - Official actions, other than those to become law, may be taken by resolutions.

a. A resolution may be introduced by any member or members of the Board of Representatives.

b. No resolution shall be passed or adopted except by the affirmative vote of the majority of the members present.

c. No resolution shall be passed or adopted, which requires appropriations, authorizing of contracting or other appropriating of monies, without the methods for the appropriations being included as part of the resolution.

CHAPTER 4 ADMINISTRATION

ARTICLE 4.1 ORGANIZATION

SECTION 4.1-1 INITIAL ORGANIZATION

The initial organization of the GOVERNMENT shall be as shown in Appendix A.

SECTION 4.1-2 REORGANIZATION

The Board of Representatives, except as restricted by this CHARTER or the general laws of the state, may reorganize the administrative structure of the GOVERNMENT by creating, transferring, consolidating, reorganizing and abolishing offices, positions, departments, agencies, boards, commissions, and authorities of the GOVERNMENT. The organization shall be changed only by ordinance adopted by at least a two thirds (2/3) vote of the Board of Representatives.

ARTICLE 4.2 APPOINTED POSITIONS

There shall be a GOVERNMENT Attorney and a manager, and each Department shall have a Director. The Manager shall appoint the Department Directors in compliance with CHAPTER 4 of this CHARTER. Candidates need not be a resident of the GOVERNMENT when appointed but shall acquire residence within 3 months after appointment and remain a resident of the GOVERNMENT and not

actively engaged in any other business while serving in the appointed positions.

SECTION 4.2-1 ATTORNEY

The Attorney shall:

a. Be nominated, confirmed and removed per SECTION 2.1 of this CHARTER.

b. Be an Attorney-at-law admitted to practice in the State of North Carolina.

c. Report to the Board of Representatives.

d. Act as the legal adviser of and attorney and counsel for the GOVERNMENT, including all departments, agencies, boards, and commissions, duly authorized by the GOVERNMENT, in matters relating to their official duties.

e. Hire assistants and secure special counsel to provide legal services of a special or extraordinary nature with the approval of the Board of Representatives.

f. Prosecute or defend suits for and in behalf of the GOVERNMENT.

g. Prepare or approve forms of contracts, bonds and other instruments to which the GOVERNMENT is a party or in which it has interest.

h. Attend the Board of Representatives meetings.

SECTION 4.2-2 MANAGER

The Manager shall:

a. Be nominated, confirmed and removed per SECTION 2.1 of this CHARTER.

b. Have prior experience as a city or county manager, or an assistant.

c. Report to and serve at the pleasure of the Board of Representatives.

d. Appoint, remove and suspend Department Directors subject to the Manager's control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER and report these changes to the Board of Representatives at the next regular meeting.

e. Direct and supervise the administration of departments, offices, positions, agencies, boards, and commissions established by the Board of Representatives, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.

f. Prepare and submit an annual budget to the Board of Representatives.

g. Submit a system for personnel administration to the Board of Representatives.

h. Attend the Board of Representatives meetings.

i. Maintain available records and make reports on finances and administrative activities quarterly, at the end of each fiscal year and at other times as directed by the Mayor or Board of Representatives.

j. Submit a written monthly progress report on operations of departments, major projects, personnel and other items as assigned by the Board of Representatives.

k. Conduct an annual review of employment level justification, including employee assignments to projects, and submit with the annual budget.

l. Nominate, or request for removal or suspension, the Police Chief, per ARTICLE 4.4.

m. Nominate, or request for removal or suspension, the Fire Marshall, per ARTICLE 4.4.

n. Nominate, or request for removal or suspension, the Fire Chief, per ARTICLE 4.4.

o. Nominate, or request for removal or suspension, the Director of Emergency Medical Services, per ARTICLE 4.4.

p. Perform other duties as required by this CHARTER, ordinances and directed by the Board of Representatives.

SECTION 4.2-3 DIRECTOR OF ENGINEERING

The Director of Engineering shall:

a. Be appointed and removed by the Manager.

b. Have a degree in Engineering or equivalent experience, have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.

c. Report to the Manager.

d. Appoint, remove and suspend department personnel subject to the Director of Engineering's control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.

e. Direct and supervise department activities including administration; design; surveying and mapping; drafting; traffic engineering; general municipal engineering; monitoring of engineering contracts; code enforcement for plumbing, electrical, heating, air conditioning, and other building codes as adopted by the GOVERNMENT, including the issuance of permits and inspection of premises; and other services that may be required by ordinance.

f. Establish interfaces with state and federal agencies to assure that applicable state and federal codes, standards, specifications and guidelines are incorporated into engineering activities.

SECTION 4.2-4 DIRECTOR OF PUBLIC SERVICES

The Director of Public Services shall:

- a. Be appointed and removed by the Manager.
- b. Have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.
- c. Report to the Manager.
- d. Appoint, remove and suspend department personnel subject to the Director of Public Services' control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.
- e. Direct and supervise department activities including, administration for:
 1. Street maintenance and construction for any areas not maintained by the State of North Carolina's Department of Transportation. Street maintenance and construction shall include maintaining and cleaning of highways, roads, streets, alleys, sidewalks, bridges & viaducts, and storm sewers and drains.
 2. Refuse collection and disposal, of garbage and refuse.
 3. Operation of the incinerator plant and landfill.
 4. General maintenance of vehicles (except Fire Department), public buildings, public grounds, including parks, cemeteries, median strips, and other physical areas of the

GOVERNMENT that require care.

5. Other duties as required by this CHARTER, ordinances and directed by the Manager.

SECTION 4.2-5 DIRECTOR OF UTILITIES

The Director of Utilities shall:

- a. Be appointed and removed by the Manager.
- b. Have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.
- c. Report to the manager.
- d. Appoint, remove and suspend department personnel subject to the Director of Utilities' control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.
- e. Direct and supervise department activities including, administration for:
 1. Meter reading and billing.
 2. Utility services.
 3. Water treatment and distribution.
 4. Wastewater collection and treatment.
 5. Other duties as required by this CHARTER, ordinances and directed by the Manager.

SECTION 4.2-6

DIRECTOR OF PARKS AND RECREATION

The Director of Parks and Recreation shall:

- a. Be appointed and removed by the Manager.
- b. Have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.
- c. Report to the Manager.
- d. Appoint, remove and suspend department personnel subject to the Director of Parks and Recreation's control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.
- e. Direct and supervise department activities including, administration for:
 1. Special recreation facilities, including parks, community centers, golf courses, and stadiums, per CHAPTER 1, ARTICLE 1.3.e of this CHARTER.
 2. Comprehensive recreation activities and programs for all age groups.
 3. Establishing and maintaining trees, shrubs, and other landscaping media along and within the public areas and public streets.
 4. Other duties as required by this CHARTER, ordinances and directed by the Manager.

SECTION 4.2-7

DIRECTOR OF PLANNING

The Director of Planning shall:

- a. Be appointed and removed by the Manager.
- b. Have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.
- c. Report to the Manager.
- d. Appoint, remove and suspend department personnel subject to the Director of Planning's control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.
- e. Provide the Manager with information and data as necessary for the preparation of the capital budget and capital improvement programs.
- f. Provide geographical definition of service and voting districts as initially defined in this CHARTER and as created, modified, or combined by ordinance.
- g. Provide scheduled dates for service availability as required to adjust service district revenues and budgeting criteria.
- h. Direct and supervise department activities including, administration for:
 1. Water resource protection.

2. Air pollution control, including establishment standards and development of solutions to the problems of air pollution.

3. Noise abatement and control, including establishment of noise level standards and other activities associated with audio conditions.

4. Aesthetics and visual improvements, including the initiation and conduct of programs to improve aesthetic conditions, elimination of unsightly conditions that affect the environment, development and implementation of beautification programs, and fostering of visual design standards to enhance living conditions.

5. Development and planning activities to facilitate orderly growth and development, to provide comprehensive viewpoint, long range perspective, information for decision making in support of efforts to expand choice and opportunities for citizens while preserving and promoting the efficient use of natural and man-made resources. Included in these activities is the development of regulations to establish zoning, flood plain, and erosion control requirements and the reviewing of proposals for compliance, i.e. SUB-DIVISION, PLANNED DEVELOPMENTS, etc.

6. Urban renewal and redevelopment, including formulating and carrying out programs for utilizing private and

public resources to eliminate, prevent and redevelop slums, and encourage urban rehabilitation.

7. Other duties as required by this CHARTER, ordinances and directed by the Manager.

SECTION 4.2-8 DIRECTOR OF FINANCE

The Director of Finance shall:

- a. Be appointed and removed by the Manager.
- b. Have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.
- c. Report to the Manager.
- d. Appoint, remove and suspend department personnel subject to the Director of Finance's control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.
- e. Direct and supervise department activities including administration for:
 1. Maintenance of a general accounting system, including budgeting control records, cost accounting records and procedures, pre-auditing of claims on funds, and a current audit of cash receipts.
 2. Centralized purchasing of materials, equipment, and other property, contractual services, insurance and surety bonds.

Purchase orders exceeding an established limit approved by the Board of Representatives shall be approved by the requesting Department Director and the Attorney. Procurement of services shall include penalty clauses and performance measurements to be evaluated by the requesting department and reported on to the Manager at least monthly.

3. Property management, including the acquisition, management, and disposal of real property; and the cataloging, evaluation maintenance, and disposal of other capital equipment.

4. Centralized data processing, including the development, programming, implementation and maintenance of automated applications and provision and maintenance of data processing equipment. Applications and equipment shall be compatible with other government and private interfacing data processing functions and equipment where cost effective.

5. Revenue collection, including collecting and receiving of revenues, income and monies due the GOVERNMENT.

6. Centralized document reproducing function, including a print shop and duplicating equipment as necessary at remote locations with overall maintenance responsibility.

SECTION 4.2-9 INTERNAL AUDITING

The Internal Auditing function reports directly to the Manager. The function is to examine and evaluate the activities

of the GOVERNMENT departments. Internal Auditing personnel shall have access to any and all records, personnel and physical properties relevant to the performance of audits.

SECTION 4.2-10 DIRECTOR OF PERSONNEL

The Director of Personnel shall:

- a. Be appointed and removed by the Manager.
- b. Have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.
- c. Report to the Manager.
- d. Appoint, remove and suspend department personnel subject to the Director of Personnel's control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.
- e. Direct and supervise department activities including administration for:
 1. Development and maintenance of a classification and grading of all positions according to similarity of authority, duties and responsibilities.
 2. Development and maintenance of a pay plan consisting of a salary range for each class of positions, providing for:
 - a) Regular increments of salary increases within each

range based on length of service and performance ratings.

b) Consideration of qualifications required, prevailing rate paid for similar service outside the GOVERNMENT.

c) Other factors that may properly be considered to have a bearing on the fairness or adequacy of the range.

3. Development and maintenance of the other elements of the personnel system per SECTION 7.1-1 of the CHARTER.

4. Provisions for development, maintenance and protection of employee records.

f. Report direct to the Board of Representatives on matters concerning personnel where a satisfactory resolution cannot be reached with the Manager.

g. Provide counsel to management and supervisor of personnel on matters related to personnel policy.

SECTION 4.2-11 DIRECTOR OF SERVICES FOR THE AGING

The Director of Services for the Aging shall:

a. Be appointed and removed by the Manager.

b. Have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.

c. Report to the Manager.

d. Appoint, remove and suspend department personnel subject to the Director of Services for the Aging's control and

direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.

e. Direct and supervise department activities including administration for:

1. Providing recreational and educational activities for those persons over age 60 in the GOVERNMENT. Specific services to be provided include those required by the laws of North Carolina and by ordinance of the GOVERNMENT.

2. Other duties as required by this CHARTER, ordinances and directed by the Manager.

SECTION 4.2-12 DIRECTOR OF AIRPORT

The Director of Airport shall:

a. Be appointed and removed by the Manager.

b. Have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.

c. Report to the Manager.

d. Appoint, remove and suspend department personnel subject to the Director of Airport's control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.

e. Direct and supervise department activities including administration for:

1. The New Hanover County Airport, providing services to all citizens of the GOVERNMENT as well as surrounding areas.

2. Other duties as required by this CHARTER, ordinances and directed by the Manager.

SECTION 4.2-13 DIRECTOR OF MUSEUM

The Director of Museum shall:

a. Be appointed and removed by the Manager.

b. Have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.

c. Report to the Manager.

d. Appoint, remove and suspend department personnel subject to the Director of Museum's control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.

e. Direct and supervise department activities including administration for:

1. The New Hanover County Museum, providing services to all citizens of the GOVERNMENT as well as surrounding areas.

2. Other duties as required by this CHARTER, ordinances and directed by the Manager.

SECTION 4.2-14 DIRECTOR OF LIBRARY

The Director of Library shall:

- a. Be appointed and removed by the Manager.
- b. Have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.
- c. Report to the Manager.
- d. Appoint, remove and suspend department personnel subject to the Director of Library's control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.
- e. Direct and supervise department activities including administration for:
 1. The New Hanover County Library System providing services to all citizens of the GOVERNMENT as well as surrounding areas.
 2. Other duties as required by this CHARTER, ordinances and directed by the Manager.

ARTICLE 4.3 ELECTED POSITIONS

SECTION 4.3-1 SHERIFF

The office of the Sheriff of New Hanover County shall:

- a. Continue within the GOVERNMENT as provided in the Constitution and laws of the State.
- b. Be as prescribed in Chapter 162 of the North Carolina

General Statutes and the Constitution of North Carolina.

c. The Sheriff shall:

1. Serve as a member of the committee, with the Mayor and the Manager, to present nominations, or requests for removal or suspension to the Board of Representatives, for the Chief of Police.

2. Have administrative review of the Police Department.

SECTION 4.3-2 REGISTER OF DEEDS

The office and duties of the Register of Deeds of New Hanover County continues within the GOVERNMENT as provided in laws of North Carolina.

ARTICLE 4.4 SPECIAL APPOINTMENTS

SECTION 4.4-1 CHIEF DEPUTY SHERIFF

The Chief Deputy Sheriff shall be appointed by the Sheriff per the North Carolina General Statute §153A-103.

SECTION 4.4-2 POLICE CHIEF

The Police Chief shall:

a. Be nominated, or requested for removal or suspension by a committee, consisting of the Sheriff, the Mayor and the Manager. The manager shall serve as chairperson.

b. Be appointed, removed or suspended by the Board of

Representatives.

c. Have law enforcement training and held a prior position in law enforcement, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.

d. Report to the Manager.

e. Appoint, remove and suspend department personnel subject to the Police Chief's control and direction, in accordance with personnel rules, civil service commission, regulations, policies, ordinances, general law and this CHARTER.

f. Direct and supervise department activities including administration for:

1. Enforcement of criminal status, laws, and regulations of the United States and North Carolina, and the ordinances of the GOVERNMENT.

2. Patrol and criminal investigations, including training programs and support services within the boundaries of the GOVERNMENT.

3. Other duties as required by this CHARTER, ordinances and directed by the Board of Representatives and the Manager.

SECTION 4.4-3 FIRE MARSHALL

The Fire Marshall shall:

a. Be nominated, or requested for removal or suspension by

b. Be appointed, removed or suspended by the Board of Representatives.

c. Have fire training and held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.

d. Report to the Fire Marshall.

e. Appoint, remove and suspend department personnel subject to the Fire Chief's control and direction, in accordance with personnel rules, civil service commission, regulations, policies, ordinances, general law and this CHARTER.

f. Direct and supervise the Urban Service District Fire Department.

g. Review and approve standards, specifications, guidelines and contracts for water distribution, including acceptance of completed projects, whenever they affect the supply of water for fire fighting services.

SECTION 4.4-5 DIRECTOR OF EMERGENCY MEDICAL SERVICES

The Director of Emergency Medical Services shall:

a. Be nominated, or requested for removal or suspension by the Manager.

b. Appointed, removed or suspended by the Board of Representatives.

c. Have held a prior position, including administrative

duties and responsibilities to demonstrate the capability to perform the requirements of this position.

d. Report to the Manager.

e. Appoint, remove and suspend department personnel subject to the Director of Emergency Medical Services' control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.

f. Coordinate maintenance, capital equipment acquisitions and standardization activities for emergency medical services, with volunteer organizations.

SECTION 4.4-6 DIRECTOR OF COMMUNICATIONS AND RECORDS

The Director of Communications and Records shall:

a. Be appointed, removed or suspended by the PUBLIC SAFETY ADVISORY BOARD.

b. Have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.

c. Report to the Manager.

d. Appoint, remove and suspend department personnel subject to the Director of Communications and Records' control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.

e. Direct and supervise department activities for public

safety communications including administration for:

1. The 911 number (Police, Fire & EMS).
2. Complaint reception and processing.
3. Telephone (administrative switchboard).
4. Public safety dispatching (command and control).
5. Interface with North Carolina Information Center (NCIC), Division of Criminal Information (DCI), National Law Enforcement Telecommunications Systems (NLETS).

f. Direct and supervise department activities for public safety records including administration for:

1. Complaint recording, processing and retention.
2. Crime and incident reporting.
3. Arrest and citation records.
4. Wanted, warrant and court process.
5. Traffic and uniform crime reporting.
6. Fire and Emergency medical.
7. Statistical reports.

SECTION 4.4-7 BOARD OF REPRESENTATIVES' CLERK

The Board of Representatives' Clerk shall:

- a. Be appointed by the Board of Representatives.
- b. Act as the Clerk to the Board of Representatives and attend meetings of the Board of Representatives.
- c. Maintain the permanent and official record of Board

of Representatives' proceedings.

d. Perform the duties assigned to a city clerk and the clerk to the Board of County Commissioners under the general laws of the state.

e. Perform other assignments as directed by the Board of Representatives.

ARTICLE 4.5 RURAL VOLUNTEER FIRE DEPARTMENTS

The Rural Volunteer Fire Departments shall continue to be contracted by the GOVERNMENT as recommended by the Fire Marshall, to provide fire protection in the areas outside the Urban Service District.

CHAPTER 5

BOARDS & COMMISSIONS

ARTICLE 5.1

GENERAL PROVISIONS

The 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 5.2

STATUTORY

Committees, agencies, boards, commissions, and authorities, however denominated, heretofore created pursuant to general law or special acts of the General Assembly, are continued except as expressly provided by this CHARTER or other acts of the General Assembly. Appendix B is not a part of this CHARTER and lists, for information only, those that currently exist.

ARTICLE 5.3

DISCRETIONARY

Committees, agencies, boards, commissions, and authorities, however denominated, not created or required by general law or special acts of the General Assembly, may continue for a period of one year after the date elected members of the GOVERNMENT take office. Discretionary committees, agencies, boards, commissions, and authorities, shall dissolve upon that date unless the GOVERNMENT has taken legislative action, prior to that date, to extend or modify, or they are continued as expressly provided by

this CHARTER. Appendix C is not a part of this CHARTER and lists, for information only, those that currently exist.

ARTICLE 5.4 PUBLIC SCHOOLS

Nothing in this CHARTER shall affect the powers or duties of the New Hanover County Board of Education. With respect to the Board of Education and other public school matters, the powers, duties and obligations previously vested in the government of New Hanover County are vested in the GOVERNMENT per ARTICLE 1.3.

ARTICLE 5.5 PUBLIC SAFETY ADVISORY BOARD

The Public Safety Advisory Board shall consist of the Manager, the Chief Deputy Sheriff of New Hanover County, the Chief of Police, the Fire Marshall and the Director of Emergency Medical Services.

SECTION 5.5-1 DUTIES AND RESPONSIBILITIES

The Public Safety Advisory Board shall oversee and direct the operation of the GOVERNMENT Department of Communications and Records. Administrative and operational control of the Department of Communications and Records shall be conducted through a Director appointed by the Public Safety Advisory Board.

The Public Safety Advisory Board may, in times of general emergency or disaster, coordinate the services of all the Public Safety units. This shall be subject to approval of the Board of Representatives.

CHAPTER 6 **FINANCE**

ARTICLE 6.1 **BUDGETING**

SECTION 6.1-1 **GENERAL LAW**

The GOVERNMENT is subject to the Local Government Finance Act, Chapter 159 of the General Statutes of North Carolina, except as modified in this chapter.

SECTION 6.1-2 **PREPARATION**

The Manager 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 General Services District, one for the Urban Services District, and one for each other Service District. Each part as prepared by the Manager shall be balanced.

The cost of providing each service, function or activity shall be allocated, (a) to the part of the budget 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 or lower level of some service, function or activity is to be provided in a service

district than is to be provided county-wide.

Each service district is responsible for the financing of its appropriate share of debt service on all of its bonds issued by the GOVERNMENT and used to finance capital facilities associated with providing or maintaining services, facilities and functions for its service district in addition to or to a greater extent than those provided or maintained for the entire county.

Service district expenses shall be paid from special taxes levied within each service district or from other revenues allocated to each service district.

SECTION 6.1-3 HEARINGS

The Board of Representatives shall schedule and hold public hearings on the proposed budgets submitted to it, notice of which shall be published in a newspaper of general circulation in New Hanover County at least seven (7) days prior to the date set for the beginning of such public hearings. The hearings may be adjourned from time to time.

SECTION 6.1-4 ADOPTION

After the conclusion of the public hearings, the Board of Representatives shall adopt and approve the budgets submitted to it, with such changes as the Board of Representatives may deem appropriate, subject to the following. The proposed GOVERNMENT budget may be altered by the Board of Representatives on a line-

by-line basis or on a total basis, as the Board of Representatives may elect. The Board of Representatives may increase or decrease the appropriation requested by any independent agency on a line-by-line basis or on a total basis. The adopted budget must be balanced in total and for each part as identified.

ARTICLE 6.2 REVENUE AND TAXING

SECTION 6.2-1 REVENUE COLLECTION

The GOVERNMENT shall have the full power and authority to levy and collect taxes, license fees or other charges, and to appropriate funds, for any and all purposes and upon any and all subjects of taxation, license fees and other charges for which the City of Wilmington or New Hanover County has previously been authorized to levy and collect taxes, license fees and other charges, and to so appropriate funds for the State of North Carolina, under any present general or special law of the State of North Carolina specifically applicable to the City of Wilmington or New Hanover County, or under any general law or any special law specifically applicable to the GOVERNMENT which may be hereafter enacted, as well as the power to levy and collect taxes, license fees and other charges and appropriate funds for any of the powers, duties, obligations, liabilities and functions specified in this CHARTER.

SECTION 6.2-2 AUTHORITY TO ISSUE BONDS

The GOVERNMENT may issue general obligation or revenue bonds for any purpose for which either county or municipal governments in North Carolina are authorized to issue general obligation or revenue bonds under the general laws of the State.

SECTION 6.2-3 TAXING DISTRICTS

The GOVERNMENT shall, within the geographic limits thereof, comprise two or more taxing districts, (herein called service districts) wherein taxes shall be assessed, levied and collected by the GOVERNMENT in accordance with the kind, character, type, degree, and level of services provided by said GOVERNMENT within said service districts, and the rate and manner of taxation may vary in any one district from that in another or other districts. The powers, authority, duties, liabilities, and functions of the GOVERNMENT may vary in any district from that in another or other districts, as provided by ordinance.

The GOVERNMENT will initially consist of three (3) service districts, a "General Services District" which shall encompass the total area of New Hanover County as fixed and established on the effective date of this CHARTER or as thereafter modified according to law; an "Urban Service District" which continues the level of services currently available in the area described by the geographic boundaries of the City of Wilmington on the

effective date of this CHARTER, and a "Rural Fire District" as established under Article 16 of Chapter 153A of the General Statute, which continues the level of fire protection currently available in the areas not protected by a municipal fire department.

SECTION 6.2-3.1 GENERAL SERVICE DISTRICT

The GOVERNMENT shall perform within the General Services District those governmental duties, functions and services which are generally available and accessible to all residents throughout the total area of said GOVERNMENT.

SECTION 6.2-3.2 OTHER SERVICE DISTRICTS

The GOVERNMENT shall perform within its other service districts, Urban Service and Rural Fire districts created by this CHARTER and other service districts created by ordinance, those additions, more comprehensive and intensive and higher levels of governmental duties, functions and services which benefit primarily the residents of such service districts.

SECTION 6.2-3.3 CREATION OF ADDITIONAL SERVICE DISTRICTS

Service districts may be created, expanded, merged, consolidated or reduced only by ordinance duly adopted by the Board of Representatives after public notice and hearings have taken place.

SECTION 6.2-3.4 LEVEL OF SERVICE

The Board of Representatives shall establish one or more additional service districts which shall embrace such territory or territories. When provision is made by Board of Representatives for additional or higher levels of services than are provided uniformly throughout the territory of the GOVERNMENT.

SECTION 6.2-3.5 NOTIFICATION OF INTENT

In the establishment of these service districts the Board of Representatives shall hold one or more public hearings thereon at which all interested persons affected thereby shall have an opportunity to be heard.

Notice of the time, place and date of such hearings shall be published in one or more newspapers of general circulation in New Hanover County at least twice (2 times) during a two (2) week immediately preceding the date of the hearing.

SECTION 6.2-3.6 ADDITIONS TO SERVICE DISTRICTS

Areas to be added to a service district must meet the following requirements:

a. It must be adjacent or continuous to the boundary of the existing service district.

b. The service(s) which compose the definition of the expanded service district must be available or contracted to be

available with detailed schedules showing times of availability by area within a maximum of fifteen (15) months from the imposition of an incremental tax rate. Tax liability shall not accrue more than an aggregate total of fifteen (15) months on any property within the GOVERNMENT without the appropriate service being available. Appropriate precautions should be utilized on future contracts to transfer loss of tax revenue from delay to the responsible persons (contract with penalty clauses).

c. No part of an area specified as a service district may have more (or less) services than the district as a whole except as provided for in the case of expanding an existing district.

d. Service districts shall be created to provide a single identifiable service such that cost and maintenance will be fairly proportioned among the users. Each pays for the services available to them.

e. The initially created Urban Service District and the General Service District being defined as multi-service districts for the formation of this GOVERNMENT shall be exempt from the limitations of the preceding paragraph d. However as the services covered in the Urban Services District are expanded into other areas the service assessment shall be deducted and incorporated into the rate of a new special service district or into the General Services District as applicable.

CHAPTER 7

EMPLOYMENT AND BENEFITS

ARTICLE 7.1

PERSONNEL

The Board of Representatives shall establish by ordinance a system of personnel administration. The system shall cover employees of the GOVERNMENT except as otherwise provided by law and this CHARTER.

SECTION 7.1-1

PERSONNEL SYSTEM

The personnel system shall provide for the welfare and job security of the employees. The system shall provide for:

- a. Classification of positions, qualification of employees, hours of employment and salaries.
- b. Manner and method of publicizing vacancies, employing and appointing personnel, including probationary periods.
- c. Vacations, sick leave, special workman's compensation and retirement policy.
- d. Promotion, demotion, transfer and layoff.
- e. Insurance benefits, including the schedules for GOVERNMENT and employee payment of premiums.
- f. Disciplinary, removal and grievance procedures.
- g. Service awards, training and training leave.
- h. Other measures that promote the hiring and retaining of capable, diligent and experienced personnel.

- a. Be appointed and removed by the Manager.
- b. Have held a prior position, including administrative duties and responsibilities to demonstrate the capability to perform the requirements of this position.
- c. Report to the Manager.
- d. Appoint, remove and suspend department personnel subject to the Director of Library's control and direction, in accordance with personnel rules, regulations, policies, ordinances, general law and this CHARTER.
- e. Direct and supervise department activities including administration for:
 - 1. The New Hanover County Library System providing services to all citizens of the GOVERNMENT as well as surrounding areas.
 - 2. Other duties as required by this CHARTER, ordinances and directed by the Manager.

ARTICLE 4.3 ELECTED POSITIONS

SECTION 4.3-1 SHERIFF

The office of the Sheriff of New Hanover County shall:

- a. Continue within the GOVERNMENT as provided in the Constitution and laws of the State.
- b. Be as prescribed in Chapter 162 of the North Carolina

pension plan at the effective date of this CHARTER shall have his rights, benefits, privileges or opportunities impaired or diminished as a result of a new pension system without the employee's written request and consent.

ARTICLE 7.2 CIVIL SERVICE ACT

SECTION 7.2-1 CIVIL SERVICE COMMISSION

There is created a Civil Service Commission consisting of seven (7) members. Each member must be a citizen and a resident of the GOVERNMENT. No member shall be an officer or employee of the GOVERNMENT, or be a member of the immediate family of an employee of the GOVERNMENT or a former employee of the police, fire, emergency medical service, or communications and records departments.

The employees of the GOVERNMENT fire department, by a majority vote, shall name one member. The employees of the GOVERNMENT police department, by a majority vote, shall name one member. The employees of the GOVERNMENT emergency medical services department, by a majority vote, shall name one member. The employees of the GOVERNMENT communications and records department, by a majority vote, shall name one member. The GOVERNMENT Board of Representatives, by a majority vote, shall name one member. The New Hanover County Medical Society

governing board, by a majority vote, shall name one member. The Wilmington Ministerial Association governing body, by a majority vote, shall name one member.

The members of the Commission shall serve a term of three (3) years unless removed by the appointing authority. A member may be removed by a majority vote of all members of the agency appointing that member.

A vacancy is caused by death, resignation, disqualification, or removal. A vacancy is filled by the agency authorized to name the member causing the vacancy. If the agency fails to fill the vacancy within sixty (60) days after notification, the resident senior Superior Court Judge of the judicial district that includes New Hanover County shall immediately fill the vacancy. Members appointed to fill a vacancy serve for the remainder of the unexpired term.

The GOVERNMENT Board of Representatives shall set the compensation for allowances, if any, to be paid the members of the Commission. In November of each year, the Commission shall elect a chairman and may elect other officers. A majority of the members of the Commission constitutes a quorum. The Commission may determine its own rules of procedure.

The GOVERNMENT clerk shall be designated as permanent recording secretary to the Civil Service Commission. The

recording secretary shall maintain minutes of Commission meetings and hearings, keep custody of Commission records and notify members of meetings. The Director of Personnel shall act as an ex officio member of the Commission representing the GOVERNMENT on personnel matters to be handled by the commission. The Commission shall within a reasonable time, supply the Director of Personnel with notification of any actions, reports, or recommendations made by the Commission. The personnel office shall notify affected police and fire department members of actions, reports, and recommendations made by the Commission.

SECTION 7.2-2 JURISDICTION

The Civil Service Act has jurisdiction over an employee of the police department of the GOVERNMENT certified in accordance with section 7.2-5 of this act and who is clothed with the full power of arrest and whose primary duty is that of enforcing the criminal laws of the city and state, excluding those employees whose primary responsibility is that of issuing parking tickets or collecting fees. The chief of the police department is not covered by the Civil Service Act.

The act shall apply to an employee of the fire department of the GOVERNMENT certified in accordance with section 7.2-5 of this act and whose primary function is that of protecting life and

property through fire fighting, including those fire officers assigned to supporting services of the fire service. The Fire Marshal and Chief of the Fire Department are not covered by the Civil Service Act.

The act shall apply to an employee of the GOVERNMENT Emergency Medical Services certified in accordance with Section 7.2-5 of this act. The Director of Emergency Medical Services is not covered by the Civil Service Act.

The act shall apply to an employee of the GOVERNMENT Communications and Records Department certified in accordance with Section 7.2-5 of this act.

The act shall apply to an employee of the GOVERNMENT Sheriff's Department certified in accordance with Section 7.2-5. The Chief Deputy Sheriff is not covered by the Civil Service Act.

SECTION 7.2-3 POWERS AND DUTIES

The Commission:

a. Shall approve reasonable requirements for employment and for examination of applicants. Positions shall be publicized. Examinations shall be competitive, open, and free to all persons meeting the Commissions' requirements. Examinations shall be practical in character, shall be limited to matters that fairly test the relative ability of the applicant to discharge the duties of the position and shall include tests of mental and physical qualifications and health. Employment procedures shall

be consistent with federal and state regulations and the affirmative action policy as adopted by the Board of Representatives. The Director of Personnel shall be responsible for implementing and administering personnel policies and procedures approved by the commission. Any standards for police or fire employees that are established by the State of North Carolina shall be included in the requirements for employment.

b. Shall cause to be prepared and kept a register of persons passing the examinations. The established policy of the GOVERNMENT will be followed in filling vacancies from the register.

c. Shall make an annual report to the GOVERNMENT Board of Representatives' Manager and to the Chief of the police and fire departments for posting on departmental bulletin boards. The Commission may prescribe the form and content of the report.

d. may secure necessary staff services and request assistance in the performance of its duties from the GOVERNMENT manager.

e. The Commission may use the facilities of the GOVERNMENT for holding any of its activities.

State law reference - Criminal justice education and training, G. S. Chapter 17C.

for cause and with an opportunity to be heard in his or her own defense. The Board of Representatives retains the authority to demote or terminate positions because of a lack of work or conditions beyond the control of the GOVERNMENT. And furthermore, nothing in this article shall be so construed as to deprive the Board of Representatives of its control over the finances of the GOVERNMENT.

a. The chief of the appropriate department may suspend, with or without pay, any employee of the police or fire department charged with violating any rule or regulation of the department, for a period not to exceed thirty (30) calendar days. Within three (3) working days after making any suspension, the chief shall file with the GOVERNMENT Manager a written statement setting forth the reasons for the suspension in detail. Within the same time, the chief shall give to the suspended officer a signed copy of the statement of the basis for the suspension.

Within ten (10) working days after his suspension, the employee may file with the GOVERNMENT Manager a written request for a hearing. The GOVERNMENT Manager shall conduct the hearing within thirty (30) days thereafter. If the employee is suspended without pay and the GOVERNMENT Manager finds that the suspension was not justified, or if the charges are dismissed, the employee shall be fully reimbursed for any loss of pay.

b. With the approval of the GOVERNMENT Manager, the chief

of the appropriate department may dismiss or demote any employee for violating any rule or regulation of the department of which the employee is a member. Within three (3) working days after making any dismissal or demotion, the chief of the department shall file with the secretary of the Commission a written list of charges supporting the discharge or demotion. A copy of this statement shall be given to the GOVERNMENT Manager and the employee.

within ten (10) working days after dismissal or demotion, the employee may appeal by first filing with the secretary of the Commission a written request for a hearing before the Civil Service Commission. Such request for hearing shall contain a written response to each of the enumerated charges which was filed in support of the discharge or demotion. The Commission shall conduct a hearing within sixty (60) calendar days after receipt of the request. Hearings shall be administrative in nature and shall be conducted in closed session unless an open session is requested by the employee. "Working days" for purposes of this subsection shall mean 8:30 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

if the Commission determines that the employee has not violated a rule or regulation of the department, the commission shall reinstate the employee with appropriate back pay. In the conduct of its investigations, the Commission may subpoena

witnesses, administer oaths and compel the production of evidence.

The Commission upon finding any employee guilty may sustain the action of the chief or take any other action that may be deemed appropriate.

Every decision of the Commission shall be subject to review by the Superior Court of New Hanover County by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within 10 days after the decision of the Commission is filed in the office of the Secretary of the Commission, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Commission at the time of its hearing of the case, whichever is later. The decision of the Commission may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

A person who may wish to appeal to the Superior Court shall file with the Clerk of Superior Court at the time of appeal a bond in an amount set by the commission, with sufficient surety conditioned that the person shall pay the cost of such appeal in the event such cost shall be levied against the person. Within ten (10) calendar days after appeal, the secretary of the Civil Service Commission shall forthwith transmit to the Superior Court

a complete transcript of all papers and proceedings concerning the order or decree or action of the Civil Service Commission appealed from.

(Sess. Laws 1981, Ch. 342, §1)

State law references - Removal of unfit police officers, G. S. §128-16; Executive Sessions, G.S. §143-318.11.

SECTION 7.2-7 ENFORCEMENT OF SUBPOENAS

In the conduct of hearings or investigations, the members of the Commission shall have the right and power to compel by subpoena both the attendance and testimony of witnesses or for the production of evidence that may be relevant to the case to be heard. The Commission may apply to a court of competent jurisdiction for an order requiring that its order be obeyed. No testimony of any witness before the commission may be used against the witness on the trial of any criminal prosecution other than for false swearing committed on examination.

All persons testifying before the Commission shall be administered the appropriate oath by the GOVERNMENT clerk. The GOVERNMENT clerk or other designated court recorder shall be responsible for recording all proceedings.

Any person, while under oath, at an investigation by the Commission, willfully swearing falsely, shall be guilty of a misdemeanor.

SECTION 7.2-8 PERSONNEL POLICIES

Unless specifically excepted by this act, all other ordinances and policies affecting the employees of the GOVERNMENT shall apply to employees under the Civil Service Act.

CHAPTER 8 CONTINUATION & TRANSITION

ARTICLE 8.1 CONTINUATION

SECTION 8.1-1 CONTINUATION OF ORDINANCES & REGULATIONS

Ordinances and resolutions of the City of Wilmington and New Hanover County that are in force immediately before the effective date of the GOVERNMENT 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 GOVERNMENT and shall continue in force until repealed or amended by the Board of Representatives. Orders, rules and regulations made by any officer, agency, board, commission or authority of the City of Wilmington and New Hanover County that are in force immediately before the effective date of the GOVERNMENT and that are not inconsistent with this CHARTER also continue in force within the area in which they applied until repealed or amended by the appropriate officer, agency, board, commission or authority of the GOVERNMENT.

SECTION 8.1-2 CONTINUATION OF HEARINGS AND PROCEEDINGS

Petitions, hearings and other proceedings pending before any officer, office, department, agency, board, commission or authority of the City of Wilmington or New Hanover County continue and remain in full force and effect, even if the

officer, office, department, agency, board, commission or authority has been abolished or consolidated by this CHARTER. The petition, hearing or proceeding shall be completed by the officer, office, department, agency, board, commission or authority of the GOVERNMENT that succeeds to the powers, duties, rights, privileges and immunities of the abolished or consolidated agency.

SECTION 8.1-3 TRANSFER OF ASSETS & LIABILITIES

On the effective date of the GOVERNMENT:

a. Property, real and personal and mixed, belonging to the City of Wilmington and New Hanover County belongs to and is the property of the GOVERNMENT.

b. Judgments, liens, rights of liens and causes of action of any nature in favor of any of the governments listed in (a) vest in and remain and inure to the benefit of the GOVERNMENT.

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

d. Any action, suit, or proceeding pending against, or having been instituted by, any of the governments listed in (a) shall not be abated by this CHARTER or by consolidation, but shall be continued and completed in the same manner as if consolidation had not occurred. The GOVERNMENT shall be a party

to these actions, suits and proceedings in the place and stead of the merging government and shall pay or cause to be paid any judgment rendered against that government in any of these actions, suits or proceedings. No new process need be served in any of the actions, suits or proceedings.

e. Obligations, contracts, and agreements of the governments listed in (a) except outstanding general obligation bonds and bond anticipation notes of the City of Wilmington are assumed by the GOVERNMENT and all these obligations, contracts, and agreements so assumed are constituted obligations, contracts, and agreements of the GOVERNMENT. The full faith and credit of the GOVERNMENT shall be pledged for the punctual payment of the principal of and interest on all general obligation bonds and bond anticipation notes assumed by the GOVERNMENT pursuant to this section, and all the taxable property within the GOVERNMENT shall be and remain subject to taxation for these payments. GOVERNMENT in order to provide for retiring the outstanding general obligation indebtedness of the City of Wilmington shall also levy each year within the area, as it existed immediately before the effective date of this CHARTER of the City of Wilmington, whatever taxes are necessary for that purpose. In addition, the GOVERNMENT shall comply with any outstanding covenants previously entered into by the City of Wilmington by which the City pledged revenues other than taxes to the

retirement of the City's general obligation indebtedness.

SECTION 8.1-4 CONTINUATION OF OFFICERS & EMPLOYEES

On the effective date of the GOVERNMENT, officers and employees, excluding the Mayor, Council members and Board of Commissioner members, of the governments of New Hanover County and the City of Wilmington become officers and employees of the GOVERNMENT.

No employee, while continuing in the service of the GOVERNMENT, shall sustain any reduction in salary in effect immediately before the effective date of this CHARTER, for a period of two (2) years after the effective date of this CHARTER.

SECTION 8.1-5 CONTINUATION OF OFFICES

Offices, departments, committees, agencies, boards, commissions and authorities, pursuant to general law or special acts of the General Assembly, or by resolutions or ordinances of the City Council of Wilmington or New Hanover County Board of Commissioners, or by joint resolutions of these 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.

SECTION 8.1-6 MEMBERS, OFFICERS & 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 the GOVERNMENT. Nothing in this section impairs the authority of the GOVERNMENT with respect to those boards, commissions, authorities and agencies or to any of their members, officers or employees.

SECTION 8.1-7 INTENT & SEPARABILITY

The people residing within the area of the GOVERNMENT declare that by the adoption of this CHARTER it is their intent to consolidate the governmental and corporate functions of the City of Wilmington and the County of New Hanover so that the consolidating governments may be operated as one GOVERNMENT entity in the interest of modern, efficient and economical, responsive and responsible democratic government. This CHARTER shall continue in full force and effect even if any of its separable provisions not essential to this objective is held unconstitutional or void, and each provision of this CHARTER is separable from each other provision.

ARTICLE 8.2 TRANSITION

SECTION 8.2-1 CHARTER ACCEPTANCE

The following is the schedule for acceptance of this CHARTER:

a. Shall be presented February 1987, to the North Carolina General Assembly, for review and enactment, subject to the approval of the voters of New Hanover County.

b. Upon acceptance of the North Carolina General Assembly, the County Commissioners of New Hanover County and the City Council of the City of Wilmington shall in a joint meeting, set a date to occur not later than April 30, 1987 for this CHARTER to be placed before the voters of the City of Wilmington and New Hanover County.

SECTION 8.2-2 EFFECTIVE DATE

This CHARTER shall become effective thirty (30) days after the acceptance by the voters of the City of Wilmington and New Hanover County.

SECTION 8.2-3 INITIAL GOVERNMENT ELECTIONS

The elections shall be per Chapter 2 of this CHARTER, and the election and run-off elections method set out in North Carolina General Statutes §163-293:

a. Initial and subsequent regular elections shall be held

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SECTION 8.2-3 INITIAL GOVERNMENT ELECTIONS

The elections shall be per Chapter 2 of this CHARTER, and the election and run-off elections method set out in North Carolina General Statutes §163-293:

a. Initial and subsequent regular elections shall be held

on the fourth Tuesday before the Tuesday after the first Monday in November.

b. Run-off elections, if required, shall be held on Tuesday after the first Monday in November beginning in 1987.

c. A Mayor shall be initially elected to a four (4) year term and every four (4) years thereafter.

d. Board of Representatives shall be elected at the initial election as follows and at subsequent elections every two (2) years to terms of four (4) years as their terms expire.

1. The two At-Large Representatives, with the highest votes, shall serve a four (4) year term.

2. The two At-Large Representatives, with the next two highest votes shall serve a two (2) year term.

3. The two District Representatives with the highest votes, shall serve a four (4) year term.

4. The two District Representatives with the next highest votes, shall serve a two (2) year term.

SECTION 8.2-4 TRANSITION COMMITTEE

A Transition Committee, made up of the following shall:

a. Consist of the Mayor of the City of Wilmington, two other City Council members selected by the Council; and the Chairman of the New Hanover Board of Commissioners, along with two other Commission members selected by members of the Commission.

b. Meet within thirty (30) days of the acceptance of this CHARTER by the voters at a meeting called by the Mayor of the City of Wilmington and elect a Chairman, and other officers as determined necessary and adopt its rules for procedures.

c. Consider, report on and make recommendations to the governing boards on the activities of the merging governments.

d. Be funded in the activities by each of the consolidating governments.

SECTION 8.2-5 INITIAL ORGANIZATIONAL MEETING

The Mayor elect and the Board of Representatives elect shall hold an organizational meeting per SECTION 3.1-1 of the CHARTER. The Mayor of the City of Wilmington and the Chairman of the County Commissioners of New Hanover County shall arrange for the oaths to be administered.

SECTION 8.2-6 TRANSITION BUDGETS & TAX RATES

Budgets passed by the City of Wilmington and the County of New Hanover shall continue and become the budget of the GOVERNMENT. The budget of the GOVERNMENT shall be such that the tax rates:

a. Remain the same the first year.

b. May be adjusted not to exceed plus/minus 20% the second year.

c. May be adjusted not to exceed plus/minus 30% the third year.

d. Adjusted to the level of service provided the fourth year and thereafter.

SECTION 8.2-7 ORGANIZATIONAL TRANSITION

The following organization transition schedules shall be followed starting from the date of the initial organizational meeting of the GOVERNMENT:

a. Confirm the Manager within four (4) months.

b. Appoint the Department Directors within seven (7) months.

c. Achieve Department Director's staffing levels within one (1) year.

d. Achieve personnel staffing levels within two (2) years.

e. Provide one (1) week notice for every year of service with a minimum of two (2) weeks notice to any employee affected by a reduction in staffing.

CHAPTER 9

CHANGES IN FORM AND STRUCTURE OF GOVERNMENT

ARTICLE 9.1

AUTHORITY TO MODIFY

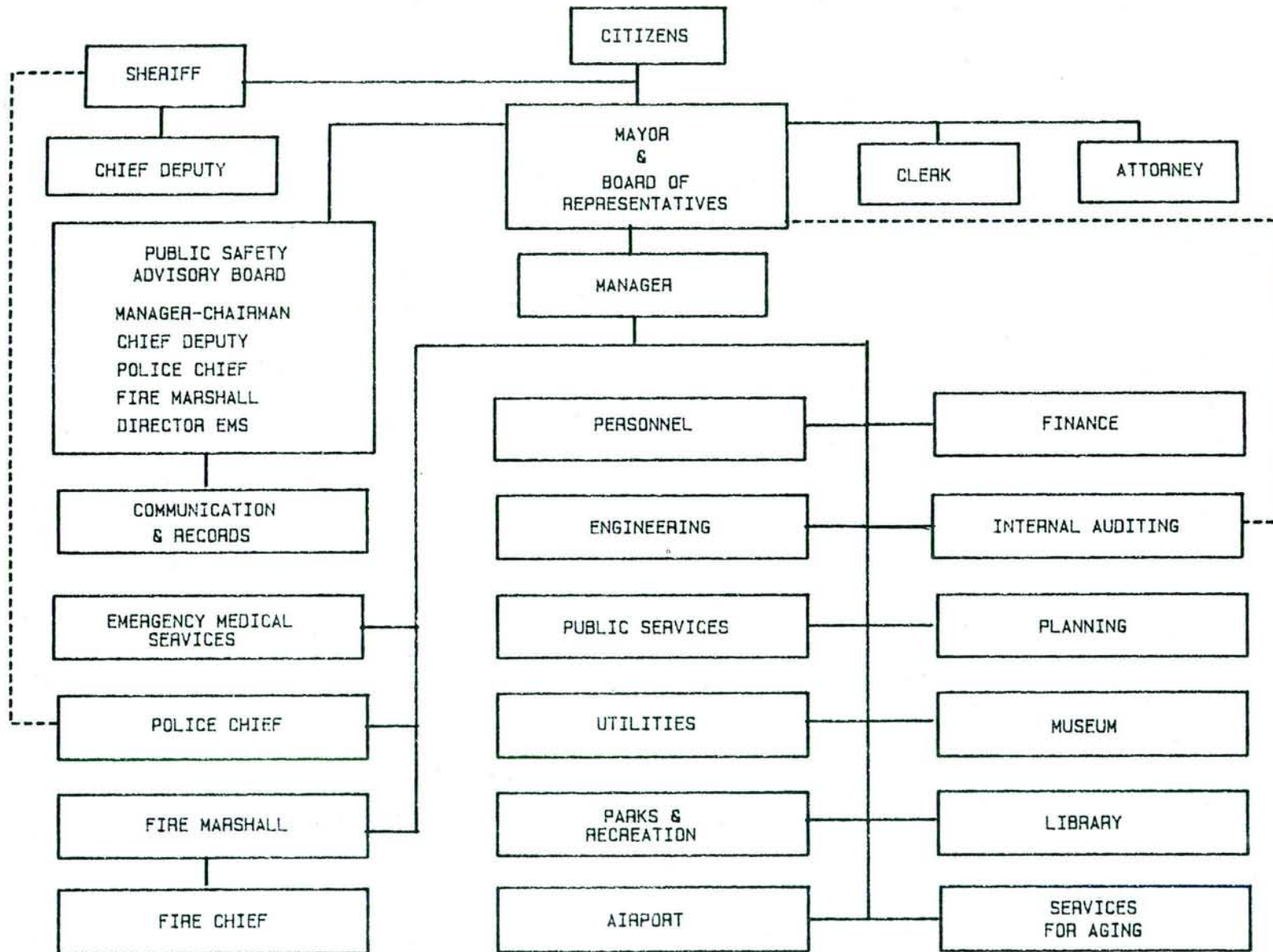
The voters of the GOVERNMENT may amend this CHARTER to modify the form and structure of the GOVERNMENT with respect to matters specified under N.C.G.S. §160A-101.

ARTICLE 9.2

METHOD OF MODIFYING

Modification of the form and structure of the 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. This section shall not restrict the authority of the Board of Representatives as otherwise provided in this CHARTER.

WILMINGTON NEW HANOVER CONSOLIDATED GOVERNMENT



APPENDIX A

APPENDIX B

STATUTORY BOARDS & COMMISSIONS

ABC Board

Board of Health

Board of Social Services

Cape Fear Technical Institute Board of Trustees

Civil Service Commission

Domiciliary Home Community Advisory Committee

Firemen's Relief Fund Board of Trustees

Historic District Commission

Housing Authority of the City of Wilmington

Human Relations Commission

Industrial Facilities & Pollution Control Financing Authority

Jury Commission

Planning Commission

Wilmington Transit Authority

Zoning Board of Adjustment

APPENDIX C

DISCRETIONARY BOARDS & COMMISSIONS

Aging Advisory Committee
Board of Examiners of Electricians
Board of Fire Commissioners
Clean Community Commission
Community Appearance Commission
Community Based Alternatives Task Force
Community Development Committee
Council on the Status of Women (See New Hanover County Council on
the Status of Women)
Golf Course Advisory Committee
New Hanover County Council on the Status of Women (See Council on
the Status of Women)
Housing Appeals Board
Library Advisory Board
Museum Board of Trustees
N.C. 200 Advisory Ad Hoc Committee
Plumbing Board of Examiners
Southeastern Economic Development Commission
Youth Council Advisory Board
Wilmington/New Hanover County Port Water & Beach Commisision
Wilmington/New Hanover Insurance Advisory Committee

APPENDIX D

DISTRICT I:

Beginning at the N.E. New Hanover and S.E. Pender County boundary lines juncture; thence running S.W. along Market Street Road (US-17) and Market Street; thence S.W. along S. College Road; thence N.W. along Wilshire Boulevard; thence North on S. Kerr Avenue; thence S.W. along Market Street; thence N.W. along Burnt Mill Creek; thence West and S.W. along the SCL RR right-of-way to the West bank of the Cape Fear river, just North of Red Cross Street; thence meandering N.W. along the West bank of the Cape Fear River to the New Hanover and Pender County boundary lines; thence East along the New Hanover and Pender county boundary lines to the N.E. branch of the Cape Fear river; thence meandering Eastward along the South bank of the Cape Fear River to the New Hanover and Pender County boundary lines to Market Street Road, the point of beginning.

DISTRICT II:

Beginning at the Northeast boundary of the GOVERNMENT at the New Hanover County and Pender County boundary lines, at their juncture with the West bank of the Intracoastal Waterway (ICWW), and thence running S.W. along the West bank of the ICWW; thence N.W. along Wrightsville Avenue (US-76); thence S.W. along

APPENDIX D

Oleander Drive (US-76); thence Westward along Oleander Drive; thence S.W. along the SCL RR right-of-way; thence North along S. 17th Street; thence West along Queen Street; thence north along S. 13th Street; thence West along Market Street; thence North along N. 12th Street; thence West along Campbell Street; thence North along 11th Street to the SCL RR right-of-way at Savage Street; thence East along the SCL RR right-of-way; thence S. E. along Burnt Mill Creek; thence N.E. along Market Street; thence South along S. Kerr Avenue; thence S.E. along Wilshire Boulevard; thence N.E. along S. College Road; thence N.E. along Market Street and Market Street Road (US-17); thence along the New Hanover and Pender County boundary lines to their juncture with the West bank of the ICWW, the point of beginning.

DISTRICT III:

Beginning at the New Hanover County and Pender County boundary lines, and at their juncture with the Atlantic Ocean, thence running S.W. along the shore of the Atlantic Ocean; thence running East along the Carolina Beach Inlet; thence N.E. along the West bank of the ICWW; thence West along Friendly Lane; thence N.E. along Masonboro Loop road; thence West along Mohican Trail; thence South along S. College Road to Carolina Beach Road

APPENDIX D

(US-421) at "Monkey Junction"; thence N.W. along Carolina Beach Road; thence N.E. along Hart Street (south of Legion Stadium) to the West bank of Greenfield Lake; thence meandering Northward along the West bank of Greenfield Lake; thence N.E. along S. 3rd Street, thence West along Turlington Street; thence North along S. Front Street; thence S.E. along the SCL RR right-of-way; thence North along S. 3rd Street; thence East along Meares Street; thence North along S. 10th Street; thence East along Queen Street; thence South along S. 17th Street; thence N.E. along the SCL RR right-of-way; thence Eastward along Oleander Drive (US-76); thence Eastward along Wrightsville Avenue; thence N.E. along the Western bank of the ICWW; thence Eastward along the New Hanover and Pender County boundary lines to the point of beginning.

DISTRICT IV:

beginning at the juncture of the South bank of the Carolina Beach Inlet and the Atlantic Ocean, thence S.W. along the shore of the Atlantic Ocean to the Southern tip of Pleasure Island at its juncture with the West bank of the Cape Fear River; thence northward along the West bank of the Cape Fear River; following the West bank of the Cape Fear River along the Brunswick and New

APPENDIX D

Hanover County boundary lines thence Westward across the Cape Fear river continuing along said lines; thence Northward to North of the Battleship Memorial; thence East across the Cape Fear River to the point of the SCL RR right-of-way just North of Red Cross Street; thence N.E. along the SCL RR right-of-way; thence South along N. 11th Street; thence East along Campbell Street; thence South along N. 12th Street; thence East along Market Street; thence South along S. 13th Street; thence West along Queen Street; thence South along S. 10th Street; thence West along Meares Street; thence South along S. 3rd Street; thence N.W. along the SCL RR right-of-way; thence South along S. Front Street; thence East along Turlington Street; thence South along S. 3rd Street; thence meandering Southward along the West bank of Greenfield Lake; thence S.W. along Hart Street; thence S.E. along Carolina Beach Road to S. College Road at "Monkey Junction"; thence North along S. College Road; thence East along Mohican Trail; thence S. E. along Masonboro Loop Road, thence East along Friendly Lane to the West bank of the ICW; thence East along the South bank of the Carolina Beach Inlet to its juncture with the Atlantic Ocean, the point of beginning.