

Chapter 3

County and City Governing Boards

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This chapter describes the governance structures under which North Carolina’s city and county governing boards organize and conduct their activities. It also discusses legal responsibilities of and common expectations for county and city governing boards and their presiding officers, the board chair or mayor. The chapter concludes with a description of how a county or city governing structure may be changed.

Background

A county's governing body is known as the *board of county commissioners*. What is commonly referred to as a *city council* may be alternatively designated as the city's *board of aldermen*, *board of commissioners*, or *village* or *town council*. The name used makes no difference from a statutory standpoint and is not tied to population or authority; it is likely to have been chosen based on custom and local preference. For ease of reference, this chapter uses the term *council* to refer to a city's or town's governing board, and both cities and towns are referred to herein as *cities*. The terms *local governing board* and *governing board member(s)* are used when discussing matters that apply equally to boards of commissioners and city councils.

Introduction

Counties and cities are the main forms of general-purpose local governments in North Carolina. The state's General Statutes (hereinafter G.S.) provide counties and cities with different options for operation: The local governing body can (1) carry out local government responsibilities itself or (2) hire a professional to administer local government affairs on its behalf.¹ The General Statutes also describe alternatives for the structure of a county commission or city council.²

County governments affect every person who resides within North Carolina in one way or another. All of the state's residents live in a county, while slightly more than half of the population lives within a city.

Units of Government in North Carolina

Counties

North Carolina created county governments in the seventeenth and eighteenth centuries to give people greater access to public services and make it easier for them to conduct official business. Initially, the governor appointed justices of the peace to oversee each county and carry out the mandated policies and services of state government. Following the civil war, North Carolina adopted the Constitution of 1868, which gave citizens more input into electing their local leaders. Under the new constitution, citizens in each county elected the sheriff, coroner, register of deeds, clerk of court, surveyor, treasurer, and board of commissioners. The newly created county commissioners replaced the state-appointed justices of the peace and assumed full financial responsibility for the county, including adopting the budget and setting the property tax rate.³

Cities

Generally

The *mayor-council* form of government (where, as the name implies, local government administration is handled by a mayor, while policy making is the realm of the city/county's governing body) is the original form of general-purpose local government, descended from the English borough mayor-and-council system and instituted in the first American colonies. Throughout its long history and in its many variations—such as a bicameral council, a weak versus a strong mayor's office, and an at-large or a ward system—it has been successfully employed from the smallest colonial town dependent on ferry tolls for operating expenses, to the modern megalopolis with a multi-billion-dollar budget.

Early in America's history, as cities grew in wealth, responsibility, and bureaucracy, a patronage system emerged. Popular dissatisfaction grew in cities that experienced corruption, inefficiency, and political favoritism. These dif-

1. See N.C. Gen. Stat. (hereinafter G.S.) § 153A-76 (counties); 160A-146 (cities).

2. See G.S. 153A-58 (counties); 160A-101 (cities).

3. For more about local government in North Carolina, see Chapter 1, "An Overview of Local Government." For more on the history of North Carolina county governments, see the N.C. Association of County Commissioners' web page, "What Is a County," at www.welcometoyourcounty.org/content/what_is_a_county.shtm.

faculties may be blamed as much on the people in government—or on the size of the government—as on the form of government (mayor–council was the preferred form).


Due to these kinds of problems with government, in the first decade of the twentieth century the *council–manager* form of government emerged as an alternative to the prevailing norm (the mayor–council plan had up until then been the exclusive form of municipal government in the United States). The council–manager form has steadily increased in popularity since its inception, and it is now the principal form of municipal government in U.S. cities with populations between 2,500 and 250,000. The mayor–council form, in either its strong-mayor or weak-mayor variation, predominates in cities in both the smaller (less than 2,500) and larger (more than 250,000) population classes.



Means of Organizing

The form of government under which a North Carolina city may operate is set forth in the city’s charter. An initial charter results from an act of the state legislature. Changing the form of city government requires the adoption of an ordinance or a change to the city’s charter. The options for changing the form of city government are described in more detail later in this chapter.

Mentioned briefly above and in more detail below, the council–manager form of government is one option available to cities under the General Statutes. As cities get larger and services more complex, communities often decide that a change is needed. Some cities change their form of government and hire a city manager (i.e., adopt the council–manager form of government), while others hire a chief administrator without immediately changing the form of government and then after some successful experience with that arrangement, make the full transition to the council–manager form. Under G.S. 160A-148, adoption of the council–manager form requires that the manager be given hiring and firing authority over all employees not otherwise hired by the council. As a result, councils that want to retain this authority but also want the help of a chief administrative officer retain the mayor–council form and hire an administrator. No charter amendment is required for a city council to hire an administrator, but if a city wants to adopt the council–manager form, it may do so only by amending its charter in one of four defined ways.

Organizing North Carolina Cities—by the Numbers

The mayor–council form remains the principal form of local government in North Carolina today. In , it was used by 298 (or 54 percent) of the state’s 553 cities. It predominates among cities with populations of less than 2,500. The council–manager plan has been the exclusive form in large (25,000+) cities in North Carolina since the late 1940s, and it is used by most cities with populations between 2,500 and 25,000. Cities in this range have also tended over the last forty years to shift from the mayor–council plan to the council–manager plan.

In , only 18 percent (nine of fifty) of North Carolina cities with populations between 5,000 and 10,000 used the mayor–council form of government. The distribution of mayor–council cities in cities with populations under 5,000 in  is shown in Table 3.1.

County and City Governing Boards in North Carolina

Generally

There is no typical structure for a county board of commissioners or a city council in North Carolina. Each county board’s structure is set out in local legislation of the General Assembly, while each city board’s structure is set out in the city charter. Both local acts and charters exhibit considerable variety as to governing body size; whether members are elected by district or at large; and whether terms are for two years or four. All 100 boards of county commissioners in North Carolina are elected in partisan elections, while almost all city council elections are nonpartisan. Despite the absence of a typical board structure, it is useful to examine the patterns found in the various board structures and also look at the trend of structural change in recent years. (Appendix 3.1A contains summary figures on the structures of the governing boards of North Carolina cities; comparable information on counties is tabulated by the North Carolina Association of County Commissioners and can be found at www.ncacc.org/index.aspx?nid=195.)

Table 3.1. Prevalence of Mayor–Council Form of Government in Small North Carolina Cities, by Population

Population Class	Under 500	500–1,000	1,000–2,500	2,500–5,000	Total
Number of Cities	127	93	111	90	421
Mayor–Council Cities	119	86	58	26	289
Percent Using Mayor–Council Form, by Pop. Class	94%	92%	52%	29%	68%

Source: “Forms of North Carolina City Government” (School of Government web page), www.sog.unc.edu/programs/cityfog.

Size of Board

County boards of commissioners range in size from three members to nine, although only five have more than seven members. By far the most popular county board size is five. City councils range in size from two members to eleven, although only two have more than eight members. As with county boards, five is the most popular size for city councils.

Length of Members’ Terms

All terms, both for county commissioners and for city council members, are for two years or four, with the larger number of governing boards having four-year terms. Most boards with four-year terms stagger elections so that about half the members are elected every two years; of all the changes made to governing boards in recent years, instituting a staggered four-year term has been the most prevalent. This staggering ensures a degree of continuity in county and municipal affairs and a constant level of experience.

Election at Large or by District

Slightly more than half of the boards of county commissioners in North Carolina elect at least some of their members from specific districts. The remaining boards are elected from the county at large, although more than half of these counties require commissioners to reside in their respective districts. In contrast, nearly all city councils—more than 85 percent statewide—are elected from the city at large. Only twelve of the 330+ cities in the state with populations under 2,500 use any sort of electoral district.

Election on a Partisan or Nonpartisan Basis

As was noted above, all 100 boards of county commissioners in North Carolina are elected on a partisan basis, with the elections occurring in even-numbered years. On the other hand, more than 98 percent of city councils are elected on a nonpartisan basis. Most of these, particularly those in smaller cities, are elected on a plurality basis, without a primary. All but a few city elections take place in odd-numbered years.⁴

Designation and Composition

Smaller cities sometimes have three council members and a mayor responsible for local government operations, while larger cities will usually have five or six council members and a mayor. Most council members are elected on an at-large (meaning they represent/are voted in by qualified voters from the entire city, not merely one district therein), nonpartisan basis. However, two or more electoral districts may be established from which some or all of the council members are elected. The district candidates may be elected exclusively by residents of the district in which they live or by the electorate at large.

4. Archdale, High Point, and Winston-Salem hold municipal elections in even-numbered years.



Presiding Officers on Governing Boards

The Chair of the Board of Commissioners

In most counties, the board of commissioners itself selects its chair, who is to preside at all board meetings. Unless directly elected by the voters, the chair serves a term of one year. By law, this official has the same right—indeed duty—to vote on all questions before the board unless excused by a standing rule of the body. However, the chair may not vote to break a tie on any vote in which he or she participated.⁵ The chair is generally recognized by law as the county’s chief executive officer and may acquire considerable prestige and influence by virtue of the position. Although as a general rule chairs have no more legal power than other members of the board, they do have special authority to declare states of emergency under the state laws governing riots and civil disorders, and they have authority to call special meetings of the board on their own initiative.⁶

Unlike mayors of cities who are expressly prohibited under G.S. 160A-151 from assuming the duties of the city manager on any basis, chairs of county boards of commissioners are able to perform city manager duties by action of the board in accordance with G.S. 153A-81.

The Mayor

Mayors in North Carolina enjoy very few formal powers. With a limited number of exceptions, their powers consist of presiding at governing board meetings, voting to break ties at those meetings (at no other time can they be tie-breakers), and signing documents on behalf of the city. The *strong-mayor system* used in many of the nation’s large cities, under which the mayor is charged with actually running city government, is simply not found in this state. However, despite having so few formal powers, many North Carolina mayors do exercise great influence in the operation of their cities. It is common, for example, for the city council to delegate to the mayor responsibilities such as working with the clerk to create council agendas, representing the city on regional advisory boards, or serving as the primary contact for local media.

Most of the powers held by mayors in the state are created by individual city charters, by action of the particular mayor’s city council, or by the mayor’s own political stature. G.S. 160A-67 confers on a mayor all powers and duties enumerated in the General Statutes, as well as any others conferred on him or her by the city council. This statute recognizes the mayor as the official head of the city for purposes of serving civil process, and most federal and state agencies extend this same recognition for purposes of official correspondence or actions such as grant awards or enforcement of federal laws and regulations. G.S. 160A-69 requires the mayor to preside at council meetings, and G.S. 160A-71 gives the mayor the power to call special meetings of the council.

All but a few mayors in North Carolina are elected by the voters of a given city. In a few cities, the governing board elects the mayor from its own ranks. If the people elect the mayor, he or she may, by local charter or ordinance, be given the right under G.S. 160A-101 to vote on all matters before the council; alternatively, the mayor may only have the right to vote to break a tie. If the mayor is selected from the membership of the council, he or she does not give up his or her vote as a member of the council and may vote on all matters.

Much of the electorate of a city, along with those who serve in city office, may view the office of mayor as the chief political office in local government. By force of that perception, combined with the strength of their personalities, many mayors effectively lead their governing boards. In small cities without a manager, the mayor often serves as de facto chief administrator simply because he or she is willing to work long hours in the town hall. In council–manager cities, discussed in more detail later in this chapter, when there is a managerial vacancy, the mayor might seem like a natural choice as a stand-in until another manager can be found. However, G.S. 160A-151 expressly makes the mayor (and any member of the city council) ineligible to serve as manager, interim manager (temporarily filling a vacancy), or acting manager (serving in the manager’s absence). Under this provision, the mayor could always resign his or her office and be appointed as manager, but he or she could not hold the elected and appointed offices at the same time.

5. G.S. 153A-39.

6. G.S. 153A-40.

7. Note that the number of mayors who vote on all matters, not just to break ties, is slowly increasing. This is discussed in more detail in the text below.

Common Expectations of Board Chairs and Mayors

Expectation 1: The chair/mayor effectively manages governing board meetings by

- presiding at the meetings,
- being a good timekeeper,
- keeping governing board members' dialogue on track,
- focusing on the job at hand,
- staying on topic,
- paying attention to the board's feedback on the conduct of meetings, and
- avoiding introducing and making important decisions at the same meeting.

Expectation 2: The chair/mayor serves as liaison to the governing board by

- staying on top of matters coming before the board,
- overseeing relations with stakeholders in between board meetings,
- testing the board's preliminary ideas with key stakeholders between meetings, and
- asking external stakeholders to provide input on strategic issues.

Expectation 3: The chair/mayor facilitates communication by

- treating everyone in an even-handed and fair manner,
- managing governing board member contributions so that no one member dominates,
- encouraging board members to express opinions and perspectives,
- engaging more reticent members in discussion,
- fostering healthy participation, especially among those with different views, and
- employing effective group processes, making it safe to explore alternate views.

Expectation 4: The chair/mayor serves as spokesperson for the governing board by

- being a strong advocate and credible representative of local government and the board,
- honoring the "one voice" principle whereby a vote of a majority of council members is recognized as the board's final decision,
- speaking knowledgeably and energetically about the board's accomplishments and opportunities for the community,
- using the "Five F's" (Fast, Factual, Frank, Fair, and Friendly),
- thinking before speaking (imagine what statements will sound like on the evening news before speaking—don't say more than necessary),
- staying on message,
- not answering questions "off the record,"
- remembering the role of the media and the part it plays in democratic government, and
- talking with the press in advance of a big issue to help reporters anticipate important stories.

Expectation 5: The chair/mayor helps in city/county government team-building by

- gaining the trust and respect of fellow team members,
- building positive and productive relationships with the manager or administrator,
- acknowledging the contributions of governing board members,
- developing and maintaining teamwork between board members and professional staff,
- being aware of and seeking to improve board dynamics,
- learning to "lead from behind" so that others can share in accomplishments, and
- creating a positive culture and establishing expectations that the board and management will work as a team.

Expectation 6: The chair/mayor manages conflict by

- increasing governing board consciousness of group dynamics—promoting desirable outcomes as to matters relating to group norms, value differences, diversity, honesty, questioning, conflict, and dialogue,
- suspending judgment until all perspectives have been shared,
- being independent (able to disagree without being disagreeable),
- modeling good listening and inquiry skills, and
- managing conflict on the board constructively.

Expectation 7: The chair/mayor shapes the governing board’s agenda by

- actively working with board members and the manager or administrator to identify agenda items,
- working with the manager and others (as locally determined) to establish the board’s agenda, and
- planning meetings to allow enough time for members to discuss and explore issues and viewpoints.

Expectation 8: The chair/mayor promotes a high-performing governing board by

- demonstrating an understanding of local government and the environment in which it operates,
- learning skills in managing group dynamics,
- using techniques to help the board look at things differently and from alternative points of view,
- giving the manager and senior staff opportunities to contribute to the board’s dialogue,
- making sure members of the board read materials in advance and ask for necessary information in a timely and efficient manner,
- being prepared for meetings,
- offering and inviting constructive feedback,
- seeking out opportunities to develop the board’s effectiveness,
- supporting the board–manager or board–administrator relationship, and
- mentoring newer members.

Responsibilities of the Governing Board

A county’s or city’s governing board holds ultimate authority to act for the local government. It decides what services the county or city will provide and at what level. It establishes the county’s or city’s fiscal policy by adopting the annual budget ordinance, and it levies the unit’s taxes. It adopts the county’s or city’s ordinances. In addition to exercising these sorts of broad policy-making responsibilities, a governing board typically decides numerous separate administrative matters. Thus, it may authorize the local government to enter into a contract, buy or sell a parcel of property, award the successful bid on a purchase or a construction project, or accept the dedication of a street or utility easement.

As it takes all of these actions—among others—the county or city governing board must act as a collective body. A county or city has a legal existence separate from its residents; a board of county commissioners or city council is a body separate from its members. The members may act as the governing board only when properly convened, in a legal meeting. An individual member may not act on the board’s behalf without specific authorization from the board. Moreover, a majority of the entire membership may act on the board’s behalf only at a meeting of the board called and held pursuant to law. Legal procedures governing board meetings and actions are described in more detail in Chapter 9, “Open Meetings and Other Legal Requirements for Local Government Boards.”

Statutory Duties—County Board of Commissioners

Regardless of the form of government, state law gives a county’s board of commissioners broad authority to organize county government.⁸ The board of commissioners may create, change, abolish, and consolidate offices, positions,

8. County boards of commissioners’ powers are described in G.S. 153A-76. S.L. 2012-126 added three limitations regarding which boards may be abolished and which boards and agencies may be consolidated under G.S. 153A-77.

departments, boards, commissions, and agencies of the county government; impose ex officio the duties of more than one office on a single officer; change the composition and manner of selection of boards, commissions, and agencies; and generally organize and reorganize county government in order to promote orderly and efficient administration of county affairs, subject to the following limitations:

1. The board of county commissioners may not abolish an office, position, department, board, commission, or agency established or required by law.
2. The board may not combine offices or confer certain duties on the same officer when law specifically forbids this action.
3. The board may not discontinue or assign elsewhere a function or duty assigned by law to a particular office, position, department, board, commission, or agency.
4. The board may not change the composition or manner of selection of local boards of education, boards of health, boards of social services, boards of elections, or boards of alcoholic beverage control. By law (G.S. 153A-77), these boards appoint their agency directors. A board of commissioners may create a consolidated health and human services board to which they appoint a director.

This seemingly broad grant of responsibility nonetheless leaves many county functions outside the commissioners' direct control. For example:

- The sheriff⁹ and the register of deeds¹⁰ are elected officers.
- Board of education members are separately elected and appoint the superintendent.¹¹
- The state board of elections appoints the local board, which, in turn, appoints the director of elections.¹²
- In most counties, the directors of health and social services are appointed by their respective boards. County commissioners are authorized by law to appoint the director of a consolidated health and human services agency.¹³

These exceptions notwithstanding, the commissioners still have fairly broad authority to organize the administrative apparatus of county government to carry out the board's policies, including the option of appointing a county manager to oversee the administration of county services. This option is discussed further below.

Organizational Meeting—County Board of Commissioners

New boards of commissioners usually take their oaths of office, and the board as a whole selects its chair, at the board's first regular meeting in December in odd-numbered years or on the first Monday in December in even-numbered years.¹⁴ In 100 counties, the chair is a separate office elected by the people; in a fifth county, the highest vote-getter among the commissioners is automatically designated chair. In all counties in North Carolina, the board itself must choose a vice-chair at its organizational meeting to act in the absence or disability of the chair.¹⁵


9. Article VII, Section 2, of the North Carolina Constitution.


10. See G.S. 161-1.

11. See G.S. 115C-271.

12. G.S. 163-30.

13. See G.S. 153A-77, which authorizes boards of commissioners to create consolidated human services agencies, which may include public health, social services, or both. A consolidated human services agency is governed by a consolidated human services director, who is appointed by the county manager with the advice and consent of a consolidated human services board. If the consolidated agency includes public health or social services, the consolidated director acquires the powers and duties ordinarily exercised by the directors of those individual agencies. G.S. 153A-77 also authorizes boards of commissioners to directly assume the powers and duties of certain boards, potentially including the local board of health, social services board, or consolidated human services board. A board of commissioners that exercises this authority may thus acquire the power to appoint the directors of health or social services or to give advice and consent to the appointment of a consolidated human services director. For more information, see Chapter 38, "Public Health," and Chapter 39, "Social Services."

 G.S. 153A-49.

 G.S. 153A-39.

Appointment of County Officers, Boards, and Commissions

The law dictates many features of county government organization. For example, the people elect each county's sheriff and register of deeds. Each county has at least one board of education (and such boards are separate from county government), a board of social services, and a board of elections. A board of health and a mental health, mental retardation, and substance abuse board or consolidated human services agency board serves every county. Many counties have a community college board and a board of alcoholic beverage control, both separate from county government. The board of county commissioners participates in choosing at least some of the members of all of these boards, except for the board(s) of education (whose members are wholly elected by citizens) and the board of elections (whose members are appointed by the State Board of Elections). Because these excepted boards are established pursuant to the requirements of state law, a board of county commissioners has little or no power to alter their structure or authority, although the county board may exercise control over the budgets of some of them. (The roles of most of these other boards are discussed in later chapters.) A board of county commissioners has authority to organize other local boards, agencies, departments, and offices not mandated by state law in any way it sees fit.

Three principal officials serve the board of county commissioners, and the board itself appoints them directly: the county manager, the county attorney, and the clerk to the board. This power pertains whether the governing board is operating as a board of commissioners or under the county–manager plan. The process for adopting a county–manager plan is described below. (Chapter 4 outlines county and city manager statutory powers and duties and professional responsibilities. The powers and duties of the county attorney and the clerk to the board are discussed in Chapter 14.) Each of these appointed officials serves at the pleasure of the board. The county commissioners also appoint the tax assessor,¹⁶ and county boards (in addition to city governing boards) are authorized to appoint a tax collector.¹⁷ In practice, many cities contract with the county for tax collection. Each county (and city) in North Carolina is required by law to have a finance officer.¹⁸ In many counties (and cities), the manager appoints the finance officer.¹⁹ In counties (and cities) without a manager, the governing board usually makes the appointment; the finance officer serves at the pleasure of the appointing authority. See Chapter 22, “Accounting, Fiscal Control, and Cash Management.”

Statutory Duties—City Council

Regardless of the form of government, G.S. 160A-67 states that “except as otherwise provided by law, the government and general management of the city shall be vested in the council.” The city council has authority to confer powers and duties on both the mayor and the manager in addition to the duties conferred on each official by law. Further, under G.S. 160A-146, the council has authority to organize and reorganize city government. The council can, except when expressly prevented by other laws, “. . . create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies . . . to promote orderly and efficient administration of city affairs . . .” Finally, G.S. 160A-147 provides that in a council–manager city (discussed more below), the council as a body appoints the city manager to serve at its pleasure. Thus, by statute, the city council has the primary responsibility for establishing the general framework under which the government can meet the needs of the community and, as the employer of the manager, the council is the body to which the manager is directly responsible and accountable.

Organizational Meeting—City Council

A new council usually takes office at its first regular meeting in December after the results of the city elections have been certified. At this time, the members take the oath of office and organize the government so that business may be conducted.²⁰ The council must appoint a mayor pro tempore to preside over it and to fulfill the other duties of the mayor when he or she is absent or incapacitated.²¹

16. See G.S. 105-294.

17. See G.S. 105-349.

18. See G.S. 159-24.

19. See G.S. 153A-82 (counties); 160A-148 (cities).

20. G.S. 160A-68.

21. G.S. 160A-70.

Appointment of City Officers, Employees, Boards, and Commissions

GENERALLY

In a city with a city manager, the city charter spells out governing board appointments for the manager, the city attorney, and the city clerk. In some cases the charter may also provide for the appointment of a deputy clerk. In council–manager cities, the manager appoints all other city officers and employees. In a number of cities with managers, the board appoints the tax collector and the finance officer and, depending upon the city charter, the manager or the council appoints the clerk. In a city without a manager, the board appoints all department heads and normally delegates to them the appointment and the supervision of other employees, although in a few mayor–council cities the board delegates employee appointment and supervision to an administrator. For more on the options for appointing clerks, see Chapter 14 covering attorneys and clerks.

The board and the mayor are also responsible for appointments to the various boards and commissions of city government, such as the planning commission, boards of adjustment, the parks and recreation commission, and the civil service board. (In most cases the board makes the appointments; the mayor, however, is by statute the appointing official for the housing authority.) The number of board or commission members and their terms of office are established by general law authorizing such boards or by ordinance implementing the authority granted by statute. In addition, the council is authorized to create special citizen advisory committees, such as a human relations committee, and to appoint their members.²²

OFFICERS AND EMPLOYEES

A city’s charter ordinarily states that certain officers and employees will be appointed by the city council and specifies each officer/employee’s duties. The General Statutes (relevant sections are indicated in parentheses in the discussion below) require that the following officers be appointed and have, in addition to any other duties specified by the council, the general duties as described below.

City Clerk (G.S. 160A-171). The clerk is responsible for giving the proper notices of regular and special meetings of the council, keeping an accurate journal of the council’s proceedings, and acting as custodian of city records. A *deputy clerk* may (but need not) be appointed to perform whatever duties of the clerk the council specifies (G.S. 160A-172).

City Budget Officer (G.S. 159-9). The budget officer receives budget requests and revenue estimates from the various city departments, prepares a proposed budget for submission to the council, and complies with other requirements concerning budget preparation and administration prescribed by the General Statutes. Unlike cities with a council–manager form of government—where the city manager is the budget officer—cities with the mayor–council plan may designate any city officer or employee (including the mayor, if he or she agrees) as budget officer.

City Finance Officer (G.S. 159-24). The finance officer may also be called the *accountant*, *treasurer*, or *finance director*. He or she has general responsibility for keeping the accounts and disbursing the city’s funds in a manner consistent with General Statute provisions pertaining to the finance officer’s duties (G.S. 159-25). These duties may be conferred on the budget officer or on another officer or employee who is eligible to perform the duties of budget officer.

City Attorney (G.S. 160A-173). The council must appoint a city attorney to be its legal advisor. He or she serves at the council’s pleasure.

City Tax Collector (G.S. 105-349). The tax collector has the general responsibility for collecting property, privilege license, and all other taxes due the city and for fulfilling the other duties imposed by the General Statutes concerning tax collection (G.S. 105-350). Any officer or employee may be appointed tax collector, except a member of the governing body; the finance officer may be appointed to the office only with the Local Government Commission’s consent. Many cities, both large and small, contract with the county to collect their taxes.

DEPARTMENT HEADS AND EMPLOYEES

Under the mayor–council form of government, the council is responsible for (1) establishing the city operating departments deemed necessary or desirable (see next paragraph for examples) and (2) appointing, suspending, and removing department heads and all other city employees. It may delegate to an administrative officer or a department head the

22. For more information on this topic, see Vaughn Mamlin Upshaw, *Creating and Maintaining Effective Local Government Citizen Advisory Committees* (UNC School of Government, 2010).

authority to appoint, suspend, or remove employees assigned to that department (G.S. 160A-155). In mayor–council cities with populations of less than 5,000, the mayor and the members of the council may serve as department heads or as other city employees and may receive reasonable compensation. In mayor–council cities with populations of 5,000 or more, and in council–manager cities, they may not do so (G.S. 160A-158).

Typical city departments considered “necessary or desirable” are police, fire, water, streets, sanitation, recreation, planning, and inspections. The council may combine the responsibilities of departments or appoint one person to supervise several departments or to fill duties in more than one department (G.S. 160A-146). For example, a public works director may be appointed to supervise both the streets and sanitation departments, or the fire chief may also be assigned the duties of building inspector.

Vacancies on Governing Boards

When there is a vacancy on a board of county commissioners or city council (including a vacancy in the office of mayor),²³ state law gives the remaining members of the board or council the authority to fill the vacancy.²⁴ The statute pertaining to cities leaves the process fairly open to the council’s discretion for the majority of cities that elect members on a nonpartisan basis. The statute for counties creates a role for political parties in recommending or choosing replacements, as described in more detail below.

In both counties and cities, if the vacancy occurs in an office carrying a two-year term or in the last two years of an office with a four-year term, the appointment is for the remainder of the unexpired term. If the vacancy takes place in the first two years of an office with a four-year term, the appointment runs only until the next general election, at which the office is filled for the unexpired term.²⁵ In addition, the statutes for both cities and counties set out contingency procedures for situations when the number of vacancies is such that a quorum is not possible.²⁶

There are no public records or open meetings exceptions for the consideration of nominees or applicants for council or board vacancies. Indeed, the open meetings law specifically prohibits the consideration or evaluation of members or potential members of the governing board from being discussed in closed sessions of that board.²⁷

Counties

A person appointed to fill a vacancy on a board of county commissioners must belong to the same political party as the person he or she is replacing, if the person being replaced was elected as the nominee of a political party. If the county is divided into electoral districts, the appointee must also reside in the same district as the person being replaced. The board is required to consult the executive committee of the relevant political party before making the appointment.²⁸ In many counties, the board is not required to follow any advice given by the executive committee. Nearly half of the state’s counties are governed by a modified version of this procedure, however, under which the board *must* appoint the executive committee’s nominee if the recommendation is made within thirty days after the seat becomes vacant.²⁹

Occasionally, a majority of a board of county commissioners is unable to agree on which person to appoint to fill a vacancy. Since nearly all of these boards have an odd number of members, one vacancy means that the remaining

23. G.S. 160A-63 authorizes the city to fill a vacancy in any elective office of the city.

24. G.S. 160A-63 (cities); 153A-27, -27.1 (counties).

25. If the vacancy occurs at the very end of the first two years of an office with a four-year term, so that there is no time to file for the midterm election, the board fills the vacancy for the remainder of the unexpired term. In county government, this period is the sixty days before the general election, while in city government, it is the ninety days before the city election.

26. See G.S. 153A-27, -27.1 (for counties, the chair must appoint enough members to make a quorum, and the board then fills the remaining vacancies; if the office of chair is also vacant, the clerk of superior court may act in the chair’s stead on petition of any remaining member of the board or any five registered voters of the county); 160A-63 (for cities, the mayor must appoint enough members to make a quorum, and the council then fills the remaining vacancies; if there are not enough members for a quorum and the mayor’s office is vacant, the governor may fill the vacancy upon request of any remaining council member or by petition of any five registered voters of the city).

27. See G.S. 143-318.11(a)(6).

28. G.S. 153A-27.

29. See G.S. 153A-27.1, which lists the affected counties.

members could become equally divided over two candidates, so that neither candidate could receive a majority vote. If for this or any other reason the board fails to fill a vacancy in its membership within sixty days, the clerk to the board must report it to the clerk of superior court, who must fill the vacancy within ten days after receiving the report.

Cities

In cities that hold nonpartisan elections, the council may appoint any person who is eligible to vote in city elections to fill a council vacancy. In cities whose councils are elected on a partisan basis, a person appointed to fill a vacancy must belong to the same political party as the person he or she is replacing, if that person was elected as the nominee of a political party.

In some cities, it is common to fill a council vacancy with the unsuccessful candidate in the most recent city election with the most votes, but there is no general statutory requirement to follow this practice. Unlike the statute covering counties, the statute for cities does not provide for an alternative method of filling the vacancy if the city council becomes deadlocked or for any other reason does not fill a vacancy.³⁰ For cities, there is no statutory requirement that a vacancy be filled within any particular time. A council has an obligation, nonetheless, to act in good faith to attempt to fill a vacancy within a reasonable period of time. In a representative government, the people deserve to have a full complement of lawmakers to engage in legislative debate and exercise communal wisdom on their behalf.

Organizing the Supervision of Officers and Employees in Mayor–Council Cities

In organizing, directing, and supervising the various functions or departments of municipal government, the city council may use one of several administrative or organizational plans, unless the city charter provides otherwise. Whatever type of administrative plan is used, it is important for the council to define clearly the responsibilities of each officer or department; to coordinate, as far as possible, the activities of each; to establish clear lines of authority between the council, the department heads, and employees; and in general, to establish a sound administrative plan that will enable the council to adequately supervise all municipal activities.

Three basic administrative plans are used in cities under the mayor–council form of government: (1) the entire council directly supervises all departments of city government; (2) one council member is assigned to supervise each department; and (3) committees of the council supervise one or more functions or departments. The specifics of each plan are discussed below.

1. Direct Supervision of All Departments by Council as a Whole

Under this organizational plan, the council appoints and removes all department heads and directs and supervises each in carrying out his or her duties. Each department head or officer reports directly to the council and is responsible to it for the operation of his or her department. This plan is widely used but can be cumbersome if the particular city has many departments. It is probably best suited to small cities with not more than three or four departments or functions that require the council's direct supervision.

2. Assignment of Council Members to Departments

Under this administrative arrangement, a designated city council member has charge of a specific department and may exercise such administrative control over the operation of the department and its head as the council may direct. The department head or officer is directly responsible to the selected council member rather than to the entire council, although personnel decisions for the department, such as hiring and termination, remain the responsibility of the entire council. The supervising member reports to and recommends measures to the entire council regarding the department's affairs. This system expedites the administration of departmental affairs, but council members may become

30. Depending upon the method used to submit nominees for consideration, the mayor may or may not be able to break a tie. The mayor has authority under G.S. 160A-69 to vote in the case of an equal number of "yes" and "no" votes. If a motion is made to nominate a particular person, and the votes are equally divided for and against, the mayor can break the tie as provided in the statute. If, however, multiple names are submitted for consideration and votes are taken using a ballot method, it's possible for two individual candidates to receive equal numbers of votes. Because of the wording of the statute, the mayor cannot break this type of tie vote.

Table 3.2A. Alternative Organizational Plans for a City Council Comprised of a Mayor and Five Council Members**THREE-COMMITTEE SYSTEM***

	<i>Finance</i>	<i>Public Works</i>	<i>Public Safety</i>
Plan 1	Mayor Council Member 2 Council Member 3	Council Member 1 Council Member 4 Council Member 5	Council Member 2 Council Member 3 Council Member 4
Plan 2	Council Member 1 Council Member 2 Council Member 3	Council Member 4 Council Member 5 Council Member 2	Council Member 3 Council Member 4 Council Member 5
Plan 3	Mayor Council Member 2	Council Member 1 Council Member 3	Council Member 4 Council Member 5

TWO-COMMITTEE SYSTEM**

	<i>Finance and Public Safety</i>	<i>Public Works</i>
Plan 1	Mayor Council Member 2 Council Member 3	Council Member 1 Council Member 4 Council Member 5
Plan 2	Council Member 1 Council Member 2 Council Member 3	Council Member 4 Council Member 5 Council Member 2

Author's Comments: Plan 1 requires the mayor to serve on the Finance Committee; this is often advantageous. Also, Plan 1 requires only three members to serve on two committees. Plan 2 requires four members to serve on two committees. Plan 3 requires that each member serve on only one committee; this is desirable, but a committee composed of only two members is often unworkable.

* The council is organized into three committees: Finance, Public Works, and Public Safety.

The committees' responsibilities are as follows:

- Finance: budgets, taxation, recreation, and library
- Public Works: streets, transportation, water and sewer, electric light and power, stormwater drainage, and solid waste
- Public Safety: police, fire, and health and sanitation

** The council is organized into two committees: Finance and Public Safety, and Public Works.

The committees' responsibilities are as follows:

- Finance and Public Safety: budgets, taxation, recreation, and library, police, fire, and health and sanitation
- Public Works: streets, transportation, water and sewer, electric light and power, stormwater drainage, and solid waste

Table 3.2B. Number of Committee Assignments per Member, by Plan

	SYSTEM				
	<i>Three-Committee</i>			<i>Two-Committee</i>	
	Plan 1	Plan 2	Plan 3	Plan 1	Plan 2
Mayor	1	0	1	1	0
Council Member 1 (mayor pro tem)	1	1	1	1	1
Council Member 2	2	2	1	1	2
Council Member 3	2	2	1	1	1
Council Member 4	2	2	1	1	1
Council Member 5	1	2	1	1	1

more concerned with their respective departments than with the total operation and administration of all departments, which is the council's principal responsibility.

3. Committee System

The city council in this organizational approach creates committees of the council to study and make recommendations concerning the operation of the respective city departments; in some places these committees are given the authority to supervise departmental operations. When this system is used, the committees are normally assigned general areas of responsibility that may include several departments. For example, supervision of police, fire, and inspection services might be assigned to a public safety committee that is comprised of several council members. Governing bodies should be aware that committees of the council are themselves considered public bodies under the open meetings law and thus must comply with that statute's requirements.

The number of committees and their membership will vary depending on the council's size, the number of departments, and other factors. If the city charter is silent regarding requirements for committees, the council itself may establish committees and assign them such duties, consistent with the charter and general laws of the state, as it deems best. Suggested committee structures for a council consisting of a mayor and five council members appear in Table 3.2A, above; a break-down of common assignments is shown in Table 3.2B, above.

Best Practices for County and City Governing Boards

County and city governing boards must operate transparently, in a public setting, and are entrusted to carry out their work legally and ethically. Local governing boards have a direct influence on the culture, effectiveness, and efficiency of county and city governments and function best when they adopt common expectations for their work, examples of which are provided below.

Expectation 1: The governing board sets direction by

- clarifying the local government's mission and purposes and setting goals for the short and long term,
- adopting policies to accomplish these purposes and employing professional public managers and administrators as needed for administrative functions and service operations,
- engaging regularly in strategy development (e.g., during an annual retreat), and
- routinely monitoring and evaluating local government's ability to administer and provide efficient and effective public services.

Expectation 2: The governing board acts as a body by

- focusing its discussion by using clear and consistent rules of procedure, following a planned agenda, and spending time on important topics,
- understanding its (the governing board's) own legal and ethical responsibilities, as well as those of the local government,
- making sure all board members have the same information with which to make decisions,
- working to master small-group decision-making techniques,
- respecting one another and abiding by the decisions of the board's majority, and
- making clear to the public that decision-making power rests with the majority, not with individual board members.

Expectation 3: The governing board serves citizens well by

- enhancing the local government's public image,
- providing citizens opportunities to respectfully comment on public issues,
- ensuring the success and viability of the community by convening and facilitating citizen engagement, and
- making sure that resources are adequate to serve the public and are used for their intended purposes.

Expectation 4: The governing board respects the role of the manager by

- channeling communications appropriately to the manager or other responsible person,
- depending upon employees to respond to citizen concerns and complaints as fully and as expeditiously as practical,
- expecting staff to make independent and objective recommendations,
- expecting the manager, administrator, and staff to support and advocate for adopted board policies,
- respecting the professionals who work in local government and following appropriate protocols for interacting with staff, and
- refraining from publicly criticizing an individual employee (where criticism is differentiated from questioning the facts or opinions of staff).

Expectation 5: The board takes responsibility for its members' behaviors by

- abstaining from seeking political support from staff,
- submitting questions about board agenda items ahead of the meeting,
- providing each member an opportunity to influence and respectfully dissent in board meetings,
- focusing on issues, not personalities,
- having members themselves address inappropriate behavior in their ranks rather than delegating this responsibility to the staff, and
- working as a team to jointly develop and hold itself accountable to a common code of conduct.

Expectation 6: The board gives the manager a chance to prove himself/herself by

- recruiting, selecting, and hiring the manager or administrator,
- promoting and encouraging a positive relationship between its members and the manager or administrator,
- treating and respecting the manager or administrator as a professional, and
- recognizing that the role of a professional manager or administrator is to serve the governing board as a whole.

Expectation 7: The board freely gives and seeks feedback by

- supporting the manager or administrator by providing clear direction and annually reviewing her or his performance,
- annually setting expectations for itself and assessing its own performance,
- inviting constructive feedback to improve its own performance, and
- regularly reviewing and monitoring the local government's finances, programs, and services.

Expectation 8: The board works with the manager or administrator to function as a high-performing governing body by

- Looking to the manager/administrator for assistance in
 - clearly defining roles and relationships,
 - thinking to the future and acting strategically on key issues,
 - operating in a culture of values and ethics,
 - regularly evaluating policy implementation,
 - developing and following protocols for board behavior and board–staff relations,
 - allocating time and energy appropriately,
 - setting clear rules and procedures for meetings,
 - getting regular assessments of citizen concerns and governing board performance,
 - recognizing the governing board's position in intergovernmental systems and in building productive partnerships, and
 - focusing on personal learning and developing as leaders.

- Having the board chair and manager or administrator orient new members to the governing board, providing expectations about how to be successful
- Working with the manager or administrator to promote behavior that encourages citizen confidence in local government

Exercising Caution in Speaking for the Governing Board

Members of county commissions and city councils should be careful when talking with the news media, citizens' groups, and even individuals to make certain that their comments reflect the governing board's views rather than their own personal opinions. Opinions and statements of position expressed by elected board members are frequently taken to be those of the entire body. If a governing board member misstates the county or city's position, assumes a position that has not actually been taken by the full board, or incorrectly predicts a board position or action, the result can be embarrassment, mistrust, and resentment on the part of the listener and other governing board members, as well as on the part of the public at large.

Citizens do not always distinguish between the thoughts of an individual board member and those of the body as a whole, nor do they remember that other members of the board may not share one particular member's feelings. The listener may take what is actually only a personal expression of opinion to be an authoritative pronouncement of official policy. On important or sensitive matters requiring clarity and careful explanation, it may be desirable for the governing board to designate one of its members as spokesperson. In some situations it may be advisable to have a written statement, agreed on by the whole governing board, that is available for distribution if the need arises.

Role of the Manager in North Carolina Local Governments

As has been stated, the North Carolina General Statutes give boards of county commissioners and city councils the option of operating with or without a professional manager.³¹ If the governing board decides to run local government on its own, it is said to use the *board of commissioner* (counties) or the *mayor–council form* (cities) of local government. A county or city that uses a professional manager is described as operating under the *county–manager* or *council–manager form*. For more information about the role and responsibilities of professional managers, see Chapter 4.

All 100 counties in the state have chosen to employ a full-time professional to administer county government. Under this county–manager plan, county commissioners have a choice in whether or not to grant the manager hiring and firing authority. Chairs of county boards of commissioners are able to serve as county managers by action of their respective boards in accordance with G.S. 153A-81. Mayors cannot so serve under the council–manager form.³²

Use of an Administrator in Mayor–Council Cities

Some municipalities hire a chief administrative official while maintaining the mayor–council form of government.³³ A charter amendment is not required to have such an administrator in charge, although the municipality may wish to adopt an ordinance to create the position and specify its duties. Typically, “administrator” is the term used for this sort of employee, though “manager” is sometimes used, even though a municipality has not yet changed to the council–manager form of government.

In a council–manager form of government, managers are granted specific powers and responsibilities by statute, including the power to hire and fire. When the governing body in a mayor–council municipality is ready to grant the full powers of a manager to its administrator, that signals the need to change to the council–manager form.

31. See G.S. 153A-76, -58 (counties); 160A-146, -101 (cities).

32. See G.S. 160A-147.

33. For additional information on this topic, see Frayda Bluestein, “About Town Administrators,” *Coates’ Canons: NC Local Government Law Blog* (UNC School of Government, Oct. 13, 2010), <http://canons.sog.unc.edu/?p=3356>.

Procedures for Adopting a County–Manager or Council–Manager Plan

As has been noted, counties in North Carolina may operate under different forms of government, including the county–manager form. If a county’s board of commissioners does not choose this option, the county operates without a county manager under the authority of G.S. 153A-76, which permits the board to organize county government however it wishes, consistent with the law. Among other things, commissioners are permitted to hire an “administrator,” whose duties might not include all of those granted by statute to a county manager but might be prescribed by the commissioners themselves. Unlike councils in small North Carolina cities, boards of county commissioners have seldom used this more circumscribed position.³⁴

When a governing board transitions to the county–manager or council–manager form of government, the manager’s duties are derived from the law. Additional information about the legal responsibilities of county and city managers appears in Chapter 4.

Adopting the County–Manager Form of Government

When a county’s board of commissioners chooses to use the county–manager plan, it proceeds by passing a resolution adopting the plan by authority of G.S. 153A-81. The plan can be carried out in any one of three ways:

1. The commissioners may employ a county manager, who holds no other office and who serves at the pleasure of the commissioners. In this alternative, the county manager must be appointed solely on the basis of his or her administrative qualifications.³⁵
2. The board of commissioners may confer the duties of county manager upon its chair or some other commissioner, as was done in Jackson County until 2000.³⁶
3. The commissioners may confer the duties of county manager upon any other county employee, as Brunswick County commissioners did when they appointed the county attorney to also serve as county manager.³⁷

Unlike cities, counties are not required to continue to operate with or without the county–manager plan for any minimum period of time after passing a resolution to change from one arrangement to the other.³⁸

Adopting the Council–Manager Form of Government

As has been mentioned, the council–manager plan is one form of municipal government operation available by general law and in use in North Carolina. A city’s form of government is set forth in its charter. An initial charter is an act of the General Assembly. The Municipal Board of Control, a now-defunct state commission, originally chartered a few cities.

The General Assembly can amend a city’s charter, but the General Statutes also allow a city to itself change its form of government by passing a local ordinance that amends the charter.³⁹ Thus, a city that has the council–manager form of government may adopt the mayor–council form (and vice versa) by following the statutory procedure for amending its charter. This procedure is discussed in more detail below.

34. At the end of 1997, Tyrrell County employed a county administrator without adopting the county–manager form of government. Swain County uses the title “county administrator” but has adopted the county–manager form of government by passage of a resolution.

35. See G.S. 153A-81(1).

36. See G.S. 153A-81(2), which is consistent with the provisions of G.S. 128-1.1(b), allowing any person holding an elective state or local government office to concurrently hold one other appointive office in either state or local government. This arrangement has been used only in Jackson County, until November 29, 2000, where the board chair was elected while also serving as county manager.

37. See G.S. 153A-81(3). This arrangement was used from 1990 until 1993, when the county manager/county attorney left the position and the commissioners chose not to continue to combine the offices.

38. Under G.S. 160A-107, if a city changes its charter to create or eliminate the council–manager plan, it must keep the change in effect for at least two years. This is discussed in the text below.

39. See G.S. 160A-101 through -111.

Options for Amending a City Charter to Put Council–Manager Plan in Place

AMENDMENT BY ORDINANCE

As noted above, a city council may alter its governmental form by amending its charter through the passage of an ordinance adopting the council–manager form of government.⁴⁰ This is the amendment option most commonly used by cities today. To exercise it, a council must adopt a resolution of intent that describes the proposed charter amendment and, at the same time, call a public hearing to be held within forty-five days. The council must publish a notice of this hearing and a summary of the amendment proposal at least ten days before the hearing date. After the hearing, the council may not take action before its next regular meeting, but it may act on the ordinance at that meeting or at any time after that. If the council adopts the ordinance, the council must publish a notice within ten days of such adoption summarizing the substance and effects of its action.

Under this amendment option, a council may simply adopt an ordinance after following the procedure outlined immediately above, without any vote by its citizens on the matter. However, amendment by this method may have to be confirmed by a referendum if enough voters call for it.⁴¹ If a valid referendum petition is filed with the city clerk within thirty days after the council publishes notice of its adoption of the ordinance amending the city charter, an election must be held on the question between sixty and 120 days following receipt of the petition. To be valid, the petition must include the signatures of 10 percent, or 5,000, of the city’s registered voters, whichever is less. If the election supports the ordinance, the ordinance takes effect; if not, it becomes void.

AMENDMENT BY ORDINANCE SUBJECT TO REFERENDUM

A city council may on its own initiative make its amendment ordinance subject to a referendum.⁴² This might happen because council members, while believing that the council–manager form is in the best interest of the community, may nonetheless want to give citizens an opportunity to confirm or deny that judgment. In such cases, the council will follow the same procedures described earlier for the simple passage of an ordinance without a referendum. However, on passage of the ordinance, the council will simultaneously adopt a resolution calling for a referendum election on the issue. The election must be held within ninety days of the ordinance’s adoption. If the council takes the initiative to call an election in this manner, then it must publish a notice of the election at least thirty days before voter registration closes; it does not have to publish a separate notice of the ordinance’s passage. If a majority of those voting in the election support the ordinance, it is put into effect; if not, it becomes void.

AMENDMENT FOLLOWING INITIATIVE, PETITION, AND REFERENDUM

Voters themselves may initiate a referendum to change their city’s form of government.⁴³ If a petition that is valid by the same standards described above is initiated by citizens and submitted to the city council, the council must call a referendum election on the issue between sixty and 120 days after receiving the petition. The council need not pass any ordinance before this election, but it must publish a notice of the election, including a description of the issue to be voted on, thirty days before voter registration closes. If the election results favor the proposed changes, then the council must pass an ordinance putting them into effect. In this situation, the ordinance is immune to a petition to put it to a vote after the fact, as provided in G.S. 160A-102.

AMENDMENT BY SPECIAL ACT

A city council may ask the General Assembly to enact a bill amending its city’s charter. The special act may or may not require a referendum. This method is seldom used today because of the ease with which a city can decide the matter under the general law described earlier.

Requirement: Amendments to City Charters Must Remain in Effect for a Minimum of Two Years

A city that changes its charter by any one of the first three general law provisions discussed above must, under G.S. 160A-107, keep such changes in effect for at least two years after they are adopted. The purpose of this provision is to give the new arrangement an opportunity to get through the transition period and prove itself. In the case of a

40. See G.S. 160A-102. The School of Government provides a web-based, question-and-answer resource summarizing the options for changing charters by local ordinance and covering related topics. See www.sog.unc.edu/node/428.

41. See G.S. 160A-103.

42. See G.S. 160A-102.

43. See G.S. 160A-104.

city moving to the council–manager form, this mandate gives the council, the mayor, and the manager a chance to develop and test new ways of doing things, clarify roles and responsibilities, and determine how to make their arrangement work well for everyone involved.

The transition to a council–manager plan is seldom easy. Old habits are difficult to break, and the powers and duties assigned to the city manager by statute are ones that the council or staff members may have been exercising for a long time, making them difficult to relinquish under the new arrangement. Adjustment to and acceptance of the roles that various elected and appointed officials will play under the new form of government is usually a more complex and difficult undertaking than was the process of effecting the change in the charter.

Advantages and Disadvantages of the Board of Commissioner and Mayor–Council Forms of Government

The primary advantage of both the board of commissioner (again, this is where no professional administrator has been hired to run local government) and mayor–council (this system of operating is self-explanatory) forms of government is that each brings government closer to the voters. The people directly elected by the citizens are responsible for formulating policy and operating the gears of government. The elected leaders are solely accountable for the direct administration and the oversight of local government functions.

On the other hand, there are two major weaknesses inherent in the board of commissioner and mayor–council plans as they are used in North Carolina. The first is the absence of any real concentration of executive authority and responsibility, as decision making ultimately rests with the board of commissioners or city council as a group. Responsibility for operating the local government is divided among and shared by all members of the governing board, making it administration by committee. Strong, consistent direction depends on maintaining general agreement, which may be difficult at times. (Note: This diffusion of authority and responsibility has been perceived by some as an advantage: the difficulty of concerted and decisive action makes it unlikely that the government can do much harm!)

The second weakness in the board of commissioner and mayor–council forms of government is the fact that good politicians are not necessarily good administrators. Those who are elected may be popular with the voters but may be amateurs when it comes to running a county or city. Thus, even if inept administration by a given board or council later brings rejection at the polls, the result is usually a new set of popular but inexperienced elected administrators.

The continued use of the mayor–council form of government in many of North Carolina’s smaller jurisdictions belies these weaknesses and indicates that it can and does work where conscientious elected officials work together for the welfare of the city. As a practical matter, many small cities cannot afford to employ an experienced professional manager. The mayor–council form of government is best suited for and most often used by small towns, where municipal functions are fewer and less complex and can be well provided by an elected council and relatively few employees.

Procedures for Changing the Governing Board’s Structure

County Board

A county governing board’s structure may be changed through one of two methods. First, the General Assembly may enact a local act that is applicable to the county. Second, the governing board itself may propose a structure change by ordinance, subject to approval by the county’s voters. Change by the latter method is limited to specific options set out in the applicable statutory provisions, G.S. 153A-58 through -64; as a practical matter, however, this second restructuring method is almost never used.

City Board

A city governing board’s structure may be changed through any of four methods. First, as with a board of county commissioners, the General Assembly may change the structure of a city council by amending the city’s charter, which

amounts to a local act of the legislature. Although the General Assembly retains full legal control of the change process, as a practical matter any such amendment would normally be enacted only at the request of the affected board. Second, the governing board itself may change its structure simply by adopting an ordinance as authorized in Part 4 of G.S. Chapter 160A. Such an ordinance is adopted following a public hearing on the proposed change. Third, the governing board may adopt an ordinance on a change of structure but the city's voters may condition the ordinance's effectiveness upon approval. For example, the governing board itself might decide to require voter approval for the change to be effective or voters might force a referendum on a board ordinance by submitting petitions with a sufficient number of signatures, e.g., 10 percent of the city's registered voters or 5,000 such voters, whichever is less. Last, voters may initiate such a change in structure by submitting petitions that both propose the change and call for a referendum on the proposal. This method also requires the signatures of 10 percent of the city's registered voters, or 5,000 registered voters, whichever is less. Each of the methods that may be carried out locally is limited to specific options set out in the applicable statute's subsections, G.S. 160A-101 through -111.

Additional Resources

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Appendix 3.1A. Summary Figures on the Structures, Forms of Governing Boards of North Carolina Cities

	CITY SIZE (Number in Size Class)							Total (553)
	Under 500 (127)	500– 1,000 (93)	1,000– 2,500 (111)	2,500– 5,000 (90)	5,000– 10,000 (50)	10,000– 25,000 (48)	Over 25,000 (34)	
STYLE OF INCORPORATION								
City	0	3	0	7	14	22	24	70
Town	119	86	110	80	34	24	10	463
Village	8	4	1	3	2	2	0	20
STYLE OF GOVERNING BOARD								
Aldermen	12	13	19	10	5	3	3	65
Commissioners	71	54	65	37	12	8	4	251
Council Members	44	26	27	43	33	37	27	237
FORM OF GOVERNMENT								
Council–Manager	8	7	53	64	41	47	34	254
Mayor–Council	119	86	58	26	9	1	0	299
SELECTION OF MAYOR								
By and from Governing Board	10	9	5	6	2	0	1	33
Council Member with the Most Votes	1	1	0	0	0	0	0	2
Elected	116	83	106	84	48	48	33	518
MAYOR'S TERM								
2 Years	89	50	55	43	24	23	17	301
4 Years	33	37	54	45	25	25	17	236
At Pleasure of Board	5	6	2	2	1	0	0	16
NUMBER OF MEMBERS OF GOVERNING BOARD								
11 Members	0	0	0	0	0	0	1	1
9 Members	0	0	0	0	0	0	1	1
8 Members	0	0	0	0	1	6	4	11
7 Members	0	1	0	1	2	6	7	17
6 Members	1	3	9	16	6	10	14	59
5 Members	69	69	72	56	27	18	6	317
4 Members	27	16	28	16	14	8	1	110
3 Members	29	4	2	1	0	0	0	36
2 Members	1	0	0	0	0	0	0	1
TERM OF OFFICE OF GOVERNING BOARD								
2 Years	71	25	23	17	4	11	11	162
4 Years	12	7	5	1	5	0	5	35
4S (4 Yrs., Staggered)	42	59	81	69	40	36	18	345
4S/2 Years	2	2	0	3	1	1	0	9

Source: Compiled using data from "Forms of Government and Methods of Election in North Carolina Cities" (School of Government web page), www.ioq.unc.edu/pubs/FOG/index.php.

Appendix 3.1B. Summary Figures on The Mode, Type of Election of Governing Boards of North Carolina Cities

	POPULATION (Total Number of Cities)							Total (553)
	Under 500 (127)	500– 1,000 (93)	1,000– 2,500 (111)	2,500– 5,000 (90)	5,000– 10,000 (50)	10,000– 25,000 (48)	Over 25,000 (34)	
MODE OF ELECTION OF GOVERNING BOARD								
AL	127	92	100	77	38	28	15	477
D	0	0	3	2	2	4	6	17
DAL	0	0	2	3	4	8	9	26
CDA	0	0	5	6	5	5	2	23
CDAL	0	1	1	2	1	3	2	10
TYPE OF ELECTION								
Majority	0	3	2	1	2	4	5	17
Partisan	0	0	1	0	0	3	4	8
Plurality	126	88	106	85	46	37	16	504
Primary	1	2	2	4	2	4	9	24

AL = Elected at large

D = Elected by and from districts

DAL = Elected at large but with requirement of district residence

CDA = Combination of at-large and district members

CDAL = Combination of at-large members and members elected at large by representing districts

Appendix 3.2A. Numbers, Terms of North Carolina Boards of County Commissioners

TERMS OF OFFICE				TERMS OF OFFICE			
County	No. of Comms.	Years	Staggered?	County	No. of Comms.	Years	Staggered?
Alamance	5	4	Yes	Johnston	7	4	Yes
Alexander	5	4	Yes	Jones	5	4	
Alleghany	5	4	Yes	Lee	7	4	Yes
Anson	7	4	Yes	Lenoir	7	4	Yes
Ashe	5	2/4	Yes	Lincoln	5	4	Yes
Avery	5	2/4	Yes	Macon	5	4	Yes
Beaufort	7	4	Yes	Madison	5	4	Yes
Bertie	5	4	Yes	Martin	5	4	Yes
Bladen	9	4	Yes	McDowell	5	4	Yes
Brunswick	5	4	Yes	Mecklenburg	9	2	
Buncombe	7	4		Mitchell	5	2/4	Yes
Burke	5	4	Yes	Montgomery	5	4	Yes
Cabarrus	5	4	Yes	Moore	5	4	Yes
Caldwell	5	4	Yes	Nash	7	4	Yes
Camden	5	4	Yes	New Hanover	5	4	Yes
Carteret	7	4	Yes	Northampton	5	4	Yes
Caswell	7	4	Yes	Onslow	5	4	
Catawba	5	4	Yes	Orange	7	4	Yes
Chatham	5	4	Yes	Pamlico	7	4	Yes
Cherokee	5	4		Pasquotank	7	4	Yes
Chowan	7	4	Yes	Pender	5	4	Yes
Clay	3	4		Perquimans	6	4	Yes
Cleveland	5	4	Yes	Person	5	4	Yes
Columbus	7	4	Yes	Pitt	9	4	Yes
Craven	7	4		Polk	5	2/4	Yes
Cumberland	7	4	Yes	Randolph	5	4	Yes
Currituck	7	4	Yes	Richmond	7	4	Yes
Dare	7	4	Yes	Robeson	8	4	Yes
Davidson	7	4	Yes	Rockingham	5	4	Yes
Davie	5	4	Yes	Rowan	5	4	Yes
Duplin	6	4	Yes	Rutherford	5	4	Yes
Durham	5	4		Sampson	5	4	Yes
Edgecombe	7	4	Yes	Scotland	7	4	Yes
Forsyth	7	4	Yes	Stanly	5	4	Yes
Franklin	7	4	Yes	Stokes	5	4	Yes
Gaston	7	4	Yes	Surry	5	4	Yes
Gates	5	4	Yes	Swain	5	4	
Graham	5	4		Transylvania	5	4	Yes
Granville	7	4	Yes	Tyrrell	5	4	Yes
Greene	5	4	Yes	Union	5	4	Yes
Guilford	9	4	Yes	Vance	7	4	Yes
Halifax	6	4	Yes	Wake	7	4	Yes
Harnett	5	4	Yes	Warren	5	4	Yes
Haywood	5	4	Yes	Washington	5	4	Yes
Henderson	5	4	Yes	Watauga	5	2/4	Yes
Hertford	5	4	Yes	Wayne	7	4	
Hoke	5	4	Yes	Wilkes	5	4	Yes
Hyde	5	4	Yes	Wilson	7	4	
Iredell	5	2/4	Yes	Yadkin	5	2/4	Yes
Jackson	5	4	Yes	Yancey	5	2/4	Yes

580 (Total No. of Comms.)

Appendix 3.2B. Distribution of North Carolina County Commissioners by Mode of Election

County	Mode of Election	Number of Commissioners per Election Mode					
		AL	D	DAL	CDA	CDAL	L
Alamance	AL	5					
Alexander	AL	5					
Alleghany	AL	5					
Anson	D		7				
Ashe	AL	5					
Avery	AL	5					
Beaufort	L						7
Bertie	DAL			5			
Bladen	CDA; L	3	6				9
Brunswick	DAL			5			
Buncombe	CDA	1	6				
Burke	AL	5					
Cabarrus	AL	5					
Caldwell	AL	5					
Camden	DAL	2	3				
Carteret	DAL			7			
Caswell	CDA	2	5				
Catawba	AL	5					
Chatham	DAL			5			
Cherokee	CDA				5		
Chowan	CDA	1	6				
Clay	AL	3					
Cleveland	AL	5					
Columbus	D		7				
Craven	D		7				
Cumberland	CDA	2	5				
Currituck	CDAL	2		5			
Dare	CDA	1	6				
Davidson	AL	7					
Davie	AL	5					
Duplin	D		6				
Durham	AL	5					
Edgecombe	D		7				
Forsyth	CDA	1	6				
Franklin	CDA	2	5				
Gaston	DAL			7			
Gates	DAL			5			
Graham	AL	5					
Granville	D		7				
Greene	AL	5					
Guilford	D		9				
Halifax	CDA	3	3				
Harnett	D		5				
Haywood	AL	5					
Henderson	DAL			5			
Hertford	DAL			5			
Hoke	AL	5					
Hyde	AL	5					
Iredell	AL	5					
Jackson	DAL; L			4			1
Johnston	DAL				7		
Jones	AL	5					
Lee	CDA	3	4				
Lenoir	CDA	2	5				
Lincoln	AL	5					
Macon	DAL			5			
Madison	AL	5					
Martin	L						5
McDowell	AL	5					
Mecklenburg	CDA	3	6				
Mitchell	AL	5					
Montgomery	CDA	2	3				
Moore	DAL			5			
Nash	D		7				
New Hanover	AL	5					
Northampton	AL	5					
Onslow	AL	5					
Orange	CDAL	4	3				
Pamlico	CDAL	2	5				
Pasquotank	CDAL	3	4				
Pender	DAL			5			
Perquimans	L						6
Person	AL	5					
Pitt	D		9				
Polk	AL	5					
Randolph	DAL			5			
Richmond	AL	7					
Robeson	D		8				
Rockingham	AL	5					
Rowan	AL	5					
Rutherford	DAL			5			
Sampson	D		5				
Scotland	DAL			7			
Stanly	AL	5					
Stokes	AL	5					
Surry	L						5
Swain	AL	5					
Transylvania	AL	5					
Tyrrell	AL	5					
Union	AL	5					
Vance	D		7				
Wake	DAL			7			
Warren	D		5				
Washington	CDA	1	4				
Watauga	DAL			5			
Wayne	CDA	1	6				
Wilkes	AL	5					
Wilson	D		7				
Yadkin	AL	5					
Yancey	AL	5					

AL = Elected at large

D = Elected by and from districts

DAL = Elected at large but with requirement of district residence

CDA = Combination of at-large and district members

CDAL = Combination of at-large members and members elected at large by representing districts

L = Limited Voting Plan

Appendix 3.3. 2014 Municipal Forms of Government in North Carolina

FORM OF GOVERNMENT	CITY SIZE (Number in Size Class)							Total (553)
	0– 499 (127)	500– 999 (93)	1,000– 2,499 (111)	2,500– 4,999 (90)	5,000– 9,999 (50)	10,000– 24,999 (48)	Over 25,000 (34)	
Council/Manager	8	7	53	64	41	47	34	254
Mayor/Council	104	64	28	11	2	0	0	209
Mayor/Council with Administrator	15	22	30	15	7	1	0	90

