

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 600  
HOUSE BILL 987

AN ACT TO CREATE THE DURHAM CITY-COUNTY CHARTER COMMISSION  
AND PROVIDE FOR A REFERENDUM ON THE CONSOLIDATION OF THE  
GOVERNMENTS OF THE CITY OF DURHAM AND DURHAM COUNTY.

The General Assembly of North Carolina do enact:

**Section 1.** Creation and purpose. There is created the Durham City-County Charter Commission. The Commission shall:

(1) study the powers, duties, functions, responsibilities and organizational structures and arrangements of all local governmental units and agencies in Durham County;

(2) develop a plan for a single local government for Durham County that will be formed by the consolidation of the government of the City of Durham with the government of Durham County;

(3) develop a charter for a proposed consolidated local government for Durham County;

(4) prepare drafts of any legislation necessary or desirable to the establishment of a consolidated local government for Durham County;

(5) prepare a report on its studies and findings and the plan for a consolidated local government for Durham County; and

(6) call a referendum on the plan for a consolidated local government to be formed by the consolidation of the governments of the City of Durham and Durham County, as provided in Section 11 of this act.

**Sec. 2.** Standards and Limitations. In the development of a charter and a plan for a consolidated local government for Durham County, the Durham City-County Charter Commission shall:

(1) provide that the chief elected official of the consolidated government shall be a mayor elected directly by all the voters of Durham County;

(2) determine the size of the governing board;

(3) provide that the members of the consolidated governing board be elected in an equitable manner;

(4) provide arrangements that will call for fair representation in all appointive boards, commissions, authorities, and committees of the consolidated government;

(5) provide a method for financing services and facilities throughout the consolidated government and for any of its subordinate taxing jurisdictions that will assure fair and equitable taxation for all Durham citizens; and

(6) satisfy itself that the powers granted to the consolidated government will enable that government to protect adequately the environment and plan effectively for the future needs of all citizens of Durham County.

**Sec. 3. Membership.** (a) The Commission shall have 41 members and a chairman who shall be chosen as follows:

(1) a chairman, appointed jointly by the Mayor of Durham and the chairman of the Board of Commissioners of Durham County;

(2) four members, appointed by the members of the North Carolina General Assembly who are residents of Durham County, acting jointly;

(3) eight members, appointed by the Durham County Board of Commissioners;

(4) eight members, appointed by the Durham City Council;

(5) four members, appointed by the Executive Committee of the Durham Committee on Negro Affairs;

(6) two members, appointed by the Durham Chamber of Commerce;

(7) two members, appointed by the Durham County Farm Bureau Federation;

(8) two members, appointed by the Durham Central Labor Union;

(9) one member appointed by each of the following:

President of North Carolina Central University

President of Duke University

Durham Business and Professional Chain

Durham Merchants Association

United Organization for Community Improvement

ACT

League of Women Voters of Durham

Women in Action for the Prevention of Violence and

Its Causes, Inc.

Executive Committee, Durham County Democratic Party

Executive Committee, Durham County Republican Party

Executive Committee, Durham Jaycees

(b) Within 30 days after the ratification of the act, the County Manager of Durham County and the City Manager of the City of Durham shall send a copy of this act to the appointing individuals and bodies named in subdivisions (2) through (9) above, and call attention to their responsibility to name a member or members to the Commission. Where the appointing body is an organization or a committee, the managers shall send the act to its chief officer.

(c) All appointments to the Commission shall be made within 60 days following ratification of this act, and the appointing individual or body shall notify the County Manager of Durham County and the City Manager of all appointments. The County Manager and the City Manager shall serve as secretary of the Commission through its organizational meeting as provided in Section 5 of this act.

(d) All vacancies in the Commission shall be filled by the original appointing individual or body.

**Sec. 4. Compensation.** The members of the Commission may not receive per diem or other compensation for their services but they shall be reimbursed for their

actual and necessary expenses incurred in performance of their official duties with the Commission. No member may receive more than one hundred dollars (\$100.00) in any fiscal year in reimbursement of expenditures for attending meetings of the Commission within Durham County. Actual and necessary expenses are presumed to be five dollars (\$5.00) for each meeting unless a member submits evidence demonstrating higher expenses.

**Sec. 5. Organization.** On or before September 1, 1971, the Chairman of the Commission shall call an organizational meeting of the Commission. The Commission shall elect from among its members a vice chairman, a secretary, a treasurer, and such other officers as the Commission may determine, all of whom shall serve at the will of the Commission. The Commission shall fill vacancies in any office elected under this Section from among its members.

The Commission may adopt its own rules and regulations not inconsistent with this act and may appoint committees with membership as the work of the Commission may require.

**Sec. 6. Meetings.** The Commission shall set the time, date, and place of its meetings and shall meet at least once each quarter until its work is completed. Special meetings may be called by the Chairman upon his own initiative and shall be called by him if requested by eight or more members of the Commission. The Chairman shall cause all members to be notified in writing of any special meeting at least three days prior to the meeting. Meetings may be held inside or outside Durham County, and shall be open to the public.

**Sec. 7. Staff.** The Commission may employ personnel and contract with persons, firms, or corporations for special and technical services and studies.

**Sec. 8. Financing.** (a) The Commission shall prepare an annual budget and request appropriations based thereon from Durham County and the City of Durham. All expenditures shall be in conformity with the budget; however, the budgeted expenditure may be amended from time to time as the Commission finds necessary. It is intended that the county and the city share equally in meeting expenses of the Commission. The Commission also may accept gifts or grants from any person, firm, corporation or governmental agency. The city and county may make appropriations to the Commission from any funds available to the city and county, and an appropriation to the Commission is declared to be a necessary expense within the meaning of Article H-V, Section 2(5), and for a special purpose within the meaning of Article V, Section 2(4), of the North Carolina Constitution.

(b) The treasurer of the Commission shall collect, deposit, and disburse all funds of the Commission unless the Commission authorizes the treasurer of Durham County or the City of Durham to serve as treasurer for the Commission. All monies received by the Commission shall be deposited in a separate account, shall be earmarked for the Commission's use, and shall be paid out only after approval by the treasurer, the Commission's accountant, the Chairman or another member designated by the Commission. The Commission may require the treasurer, the Commission's accountant, the Chairman or the designated member or any two or more of them to deposit a surety bond to be paid for by the Commission on terms set by the Commission.

(c) The Commission may contract with either Durham County, the City of Durham, or private persons or firms for provision of accounting services. Generally accepted accounting principles shall be followed.

**Sec. 9.** Cooperation of units. Durham County and the City of Durham and all other local governmental units and agencies in Durham County shall make available to the Commission any records, reports, or information the Commission requests; and they may assist the Commission through gifts of necessary supplies and equipment, and temporary loans of personnel.

**Sec. 10.** Hearings. After the Commission develops a plan for a consolidated local government for Durham County and completes a preliminary draft of a charter for that government, the Commission shall hold at least two public hearings on the proposed charter and plan of government. The Commission shall cause to be published a notice of each public hearing at least 15 days before the date of the hearing. There shall be at least ten days between the dates of the two public hearings required by this section. Any other public hearings held by the Commission may be at times and intervals determined by the Commission.

The Commission shall cause copies of its preliminary draft of the proposed charter to be filed for public inspection in the office of the City Clerk of the City of Durham, in the office of the County Manager of Durham County, and in three other public places in Durham County at least 14 days prior to the first public hearing required by this section. The published notices of the hearings shall include information as to the location of these copies, and all copies shall be available for public inspection from their filing until after the second public hearing.

**Sec. 11.** Referendum. The Commission, following the public hearings, shall make any modifications in the proposed plan of government or in the draft of the proposed charter for that government it deems desirable and set a date of a county-wide referendum on the proposed plan of government. An affirmative majority of the voters in the county voting in the referendum shall be necessary for approval. The referendum shall be conducted by the Durham County Board of Elections, and the expenses directly involved in the election shall be shared equally by Durham County and the City of Durham. The form of the ballot shall be substantially as follows:

- For the consolidation of the governments of the  
City of Durham and Durham County.
- Against the consolidation of the governments of the  
City of Durham and Durham County."

**Sec. 12.** Effective date of new government. The Commission shall set the date on which any new government, established as herein authorized, will become effective. No new government shall become effective, however, until approved by the voters of Durham County in a referendum as provided in Section 11 of this act, and until its charter is enacted into law by the General Assembly of North Carolina.

**Sec. 13.** Transition. The Commission shall see that the proposed charter contains transitional steps necessary to the establishment of the new government including proper transfer or disposition of all assets and liabilities of the consolidating governments and the scheduling of elections for officials of the new government. The

charter may provide that the terms of office of existing officials may be either lengthened or shortened if necessary in making the transition to the new government in which the offices are eliminated or replaced.

**Sec. 14.** Duration of the Commission. The Durham City-County Charter Commission shall cease to exist on August 15, 1973, or 60 days after the establishment of a new government pursuant to the provisions of this act, whichever comes first.

**Sec. 15.** If any provision of this act is held invalid, the invalidity shall not affect other provisions of the act that can be given effect without the invalid provision and to this end the provisions of this act are declared to be severable.

**Sec. 16.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1971.