

## Article 20.

### Consolidation and Governmental Study Commissions.

#### **§ 153A-401. Establishment; support.**

(a) Two or more counties or cities or counties and cities may by concurrent resolutions of their governing bodies establish a charter or governmental study commission as provided in this section:

- (1) Two or more counties that are contiguous or that lie within a continuous boundary may create a commission to study the consolidation of the counties or of one or more functions and services of the counties.
- (2) Two or more cities that are contiguous or that lie within a continuous boundary may create a commission to study the consolidation of the cities or of one or more functions and services of the cities.
- (3) A county and one or more cities within the county may create a commission to study the consolidation of the county and the city or cities or of one or more of their functions and services.

(b) A county or city that participates in the establishment of a commission pursuant to this Article may appropriate for the support of the commission any revenues not otherwise limited as to use by law. (1973, c. 822, s. 1.)

#### **§ 153A-402. Purposes of a commission.**

A commission established pursuant to this Article may be charged with any of the following purposes:

- (1) To study the powers, duties, functions, responsibilities, and organizational structures of the counties or cities that established the commission and of other units of local government and public agencies within those counties or cities;
- (2) To prepare a report on its studies and findings;
- (3) To prepare a plan for consolidating one or more functions and services of the governments that established the commission;
- (4) To prepare drafts of any agreements or legislation necessary to effect the consolidation of one or more functions and services;
- (5) To prepare a plan for consolidating into a single government some or all of the governments that established the commission;
- (6) To prepare drafts of any legislation necessary to effect the plan of governmental consolidation;
- (7) To call a referendum, as provided in G.S. 153A-405, on the plan of governmental consolidation. (1973, c. 822, s. 1.)

#### **§ 153A-403. Content of concurrent resolutions.**

The concurrent resolutions establishing a commission shall:

- (1) Set forth the purposes that are to be vested in the commission pursuant to G.S. 153A-402;
- (2) Determine the composition of the commission, the manner of appointment of its members, and the manner of selection of its officers;
- (3) Determine the compensation, if any, to be paid to commission members;
- (4) Provide for the organizational meeting of the commission;

- (5) Set out the method for determining the financial support that will be given to the commission by each of the governments establishing the commission;
- (6) Set forth the date by which the commission is to complete its work;
- (7) Set forth any other directions or limitations considered necessary. (1973, c. 822, s. 1.)

**§ 153A-404. Powers of a commission.**

A commission established pursuant to this Article may:

- (1) Adopt rules and regulations for the conduct of its business;
- (2) Apply for, accept, receive, and disburse funds, grants, and services made available to it by the State of North Carolina or any agency thereof, the federal government or any agency thereof, any unit of local government, or any private or civic agency;
- (3) Employ personnel;
- (4) Contract with consultants;
- (5) Hold hearings in the furtherance of its business;
- (6) Take any other action necessary or expedient to the furtherance of its business. (1973, c. 822, s. 1.)

**§ 153A-405. Referendum; General Assembly action.**

(a) If authorized to do so by the concurrent resolutions that established it, a commission may call a referendum on its proposed plan of governmental consolidation. If authorized or directed in the concurrent resolutions, the ballot question may include the assumption of debt secured by a pledge of faith and credit language and may also include the assumption of the right to issue authorized but unissued faith and credit debt language as provided in subsection (b) of this section. The referendum shall be held in accordance with G.S. 163-287.

(b) The proposition submitted to the voters shall be substantially in one or more of the following forms and may include part or all of the bracketed language as appropriate and other such modifications as may be needed to reflect the issued debt secured by a pledge of faith and credit of any of the consolidating units or the portion of the authorized but unissued debt secured by a pledge of faith and credit of any of the consolidating units the right to issue which is proposed to be assumed by the consolidated city-county:

- (1) "Shall the County of \_\_\_\_\_ and the County of \_\_\_\_\_ be consolidated [and the consolidated unit assume the debt of each secured by a pledge of faith and credit, [the right to issue authorized but unissued debt to be secured by a pledge of faith and credit [(including any such debt as may be authorized for said counties on the date of this referendum)] and any of said authorized but unissued debt as may be hereafter issued,] and be authorized to levy taxes in an amount sufficient to pay the principal of and the interest on said debt secured by a pledge of faith and credit]?  
[ ] YES [ ] NO"
- (2) "Shall the City of \_\_\_\_\_ and the City of \_\_\_\_\_ be consolidated [and the consolidated unit assume the debt of each secured by a pledge of faith and credit, [the right to issue authorized but unissued debt to be secured by a pledge of faith and credit [(including any such debt as may be authorized for said cities on the date of this referendum)] and any of said authorized but unissued debt as

may be hereafter issued,] and be authorized to levy taxes in an amount sufficient to pay the principal of and the interest on said debt secured by a pledge of faith and credit]?

YES  NO"

- (3) "Shall the City of \_\_\_\_\_ and the County of \_\_\_\_\_ be consolidated [and the consolidated unit assume the debt of each secured by a pledge of faith and credit, [the right to issue authorized but unissued debt to be secured by a pledge of faith and credit [(including any such debt as may be authorized for said city or county on the date of this referendum)] and any of said authorized but unissued debt as may be hereafter issued,] and be authorized to levy taxes in an amount sufficient to pay the principal of and the interest on said debt secured by a pledge of faith and credit]?

YES  NO"

(c) The proposition submitted to the voters shall be substantially in one of the following forms:

- (1) "Shall the County of \_\_\_\_\_ and the County of \_\_\_\_\_ be consolidated?

YES  NO"

- (2) "Shall the City of \_\_\_\_\_ and the City of \_\_\_\_\_ be consolidated?

YES  NO"

- (3) "Shall the City of \_\_\_\_\_ and the County of \_\_\_\_\_ be consolidated?

YES  NO"

(d) If the proposition is to consolidate two or more counties or to consolidate two or more cities, to be approved it must receive the votes of a majority of those voting in each of the counties or cities, as the case may be. If the proposition is to consolidate one or more cities with a county, to be approved it must receive the votes of a majority of those voting in the referendum. In addition, no governmental consolidation may become effective until enacted into law by the General Assembly.

(e) Subsection (b) of this section applies to any county that has (i) a population over 120,000 according to the most recent federal decennial census and (ii) an area of less than 200 square miles. Subsection (c) of this section applies to all other counties. If any subsection or provision of this section is declared unconstitutional or invalid by the courts, it does not affect the validity of the section as a whole or any part other than the part so declared to be unconstitutional or invalid, provided that if the classifications in subsections (b) and (c) of this section are held unconstitutional or invalid then subsection (c) of this section is repealed and subsection (b) of this section shall be applicable uniformly to all counties. (1973, c. 822, s. 1; 1995, c. 461, s. 5; 1995 (Reg. Sess., 1996), c. 742, s. 38; 2013-381, s. 10.24; 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1.)