

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 67
HOUSE BILL 101

AN ACT CREATING THE CHARLOTTE-MECKLENBURG CHARTER COMMISSION AND PROVIDING FOR AN ELECTION UPON THE CONSOLIDATION OF THE GOVERNMENTS OF THE MUNICIPALITIES WITHIN, AND THE COUNTY, OF MECKLENBURG.

The General Assembly of North Carolina do enact:

Section 1. Creation. There is hereby created the Charlotte- Mecklenburg Charter Commission. The Commission shall have the duty:

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

(b) to prepare a report on its studies and findings, setting forth a general plan of local government for Mecklenburg County;

(c) to prepare a proposed charter that provides for the reorganization and reallocation of local governmental powers, duties, functions and responsibilities into a single government for Mecklenburg County. The plan of government proposed, however, shall be so devised that the towns of Cornelius, Davidson, Huntersville, Matthews, and Pineville, or any of them, may, by vote of their citizens as provided in Section 10 of this Act, withdraw from the new government prior to the date on which it becomes effective. Furthermore, any plan of government proposed shall also contain a procedure by which a municipality that initially elects to withdraw may, at a future date, elect to become an integral part of the new government;

(d) to submit the proposed charter to the voters of Mecklenburg County in a referendum as provided in Section 10 of this Act; and

(e) to prepare drafts of proposed constitutional amendments and legislation amending general statutes and special Acts of the General Assembly as may be necessary to the adoption of the plan of government the Commission recommends.

Sec. 2. Membership (a) Commission. The Charlotte-Mecklenburg Charter Commission shall be constituted as follows:

(1) a chairman, who shall be appointed jointly by the Mayor of Charlotte and the Chairman of the Board of Commissioners of Mecklenburg County; provided however, in the event they fail to agree upon a joint appointment of a chairman within thirty days after the appointment of the Charter Commission, then the members of the Charter Commission shall meet and elect a chairman;

(2) one member each appointed by the Mayors of Cornelius, Davidson, Huntersville, Matthews and Pineville, with the approval of their respective governing boards;

(3) five members appointed by the Mayor of Charlotte, with the approval of the City Council;

(4) five members appointed by the Chairman of the Board of Commissioners of Mecklenburg County, with the approval of the Board of Commissioners, of whom three shall be residents of Charlotte and two shall be residents of the unincorporated area of the county; and

(5) the Mayor of the City of Charlotte and the Chairman of the Board of Commissioners of Mecklenburg County, who shall serve as ex officio members without a vote.

(b) Citizen's Review Committee. There shall also be appointed a Citizen's Review Committee, which shall be composed of fifty members and a chairman, chosen as follows:

(1) two members each appointed by the Mayors of Cornelius, Davidson, Huntersville, Matthews, and Pineville;

(2) twenty members appointed by the Mayor of Charlotte;

(3) twenty members appointed by the Chairman of the Board of Commissioners of Mecklenburg County; and

(4) the Chairman of the Charter Commission, who shall be Chairman of the Citizen's Review Committee.

Upon completion of the proposed charter, the Charter Commission shall submit the charter to the Citizen's Review Committee. The members of the Committee shall have sixty days in which to study the charter and submit to the Charter Commission in writing any recommendations for modification of the charter. The Citizen's Review Committee shall also be available during the period in which the charter is being drafted to aid the Charter Commission in any manner which the Commission may request.

(c) No person shall be excluded from membership on the Charter Commission or on the Citizen's Review Committee or on any special committees appointed by the Charter Commission by reason of holding elective or appointive office.

(d) All appointments to the Charter Commission and the Citizen's Review Committee shall be made within sixty days after ratification of this Act. Vacancies in the membership of the Commission and the Committee, including the office of Chairman, shall be filled by the original appointing official. In the event any original appointment is not made by the designated appointing official, or in the event any vacancy in the Commission's or the Committee's membership exists for more than thirty days because of the failure of the appropriate appointing official to fill such a vacancy, the Chairman of the Commission may make the original appointment or fill the vacancy. Terms of members of the Commission and the Committee shall be for the duration of the Commission and the Committee. The Commission and the Committee

shall cease to exist on March 1, 1973, or upon the date on which any new government becomes effective, whichever comes first.

Sec. 3. Compensation. (a) The members of the Commission shall 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. Actual and necessary expenses shall be presumed to be ten dollars (\$10.00) for each meeting attended, unless a member shall submit evidence demonstrating higher expenses.

(b) The members of the Citizen's Review Committee, and the members of any special committees appointed by the Commission, shall not receive per diem or other compensation for their services. The Charter Commission shall decide for what expenses and to what extent members of the Citizen's Review Committee and any special committees shall be reimbursed.

Sec. 4. Organization. Within ninety days after ratification of this Act, the Chairman of the Charter Commission shall call a meeting of the Commission for the purpose of organization. At this organizational meeting, 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. Vacancies in any office elected under this Section shall be filled by the Commission from among its members.

For the purpose of carrying out its duties, the Commission shall have the authority to appoint such special committees, with such membership as it desires.

The Commission is empowered to adopt rules of procedure with respect to the conduct of its affairs as it may deem appropriate.

Sec. 5. Meetings. The Commission shall hold regular meetings at places and dates to be determined by the Commission, but in any event, the Commission shall meet at least once monthly until its work is completed. Special meetings may be called by the chairman upon his own initiative and must be called by him if requested by three or more members of the Commission. The chairman shall notify in writing all Commission members of any special meeting at least three days prior to any such meeting. Meetings may be held inside or outside Mecklenburg County, and shall be open to the public.

Sec. 6. Staff. The Commission is empowered to employ personnel to assist it and to contract with persons, firms or corporations for special and technical services and studies.

Sec. 7. Financing. (a) The Commission shall prepare an annual budget and request appropriations based thereon from Mecklenburg County and the City of Charlotte. All expenditures shall be in conformity with the budget; however, the budget 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 is also authorized to accept gifts from any person, firm or corporation, upon terms acceptable to the Commission. Appropriations to the Commission from the city and county may be made from any funds available to the city and county, and an appropriation to this Commission is hereby declared to be a necessary expense within

the meaning of Article VII, Section 6, and for a special purpose within the meaning of Article V, Section 6, of the North Carolina Constitution.

(b) The Treasurer of the Commission shall have authority to collect, deposit, and disburse all funds of the Commission. All monies received by the Commission shall be deposited in a separate account, shall be earmarked for use by the Commission, and shall be paid out only on checks signed by the Treasurer or the Commission's accountant and countersigned by either the Chairman or by 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 Mecklenburg County, the City of Charlotte, or private persons or firms for provision of accounting services. Generally accepted accounting principles shall be followed.

Sec. 8. Cooperation of Units. Mecklenburg County, the City of Charlotte, and the Towns of Cornelius, Davidson, Huntersville, Matthews, and Pineville, and all other local governmental units or agencies in Mecklenburg County shall make available to the Commission any records, reports, or information the Commission requests; and they are hereby authorized to assist the Commission through gifts of necessary supplies and equipment, and temporary loans of personnel.

Sec. 9. Hearings. (a) Upon completion of the proposed charter, and after making any changes deemed desirable as a result of the recommendations of the Citizen's Review Committee, the Commission shall meet with the governing bodies of Mecklenburg County, the City of Charlotte, and the Towns of Cornelius, Davidson, Huntersville, Matthews and Pineville, either separately or jointly, in order to present such charter to the governing bodies. After making any changes deemed desirable as a result of the above meetings, the Commission shall hold one or more public hearings on the proposed charter. The notice of public hearings shall (1) fix the date, time and place of the hearing or hearings; (2) state the purpose of the hearings; and (3) state that the Commission report and text of the charter will be available for public inspection in the office of the County Manager of Mecklenburg County and in the offices of the Clerk of each municipality in the county at least 14 days prior to the date of the first hearing. Such notice shall be published daily in a newspaper of county-wide circulation for two successive weeks prior to the first hearing.

(b) At least 14 days prior to the date of the first hearing, the Commission shall deposit in the office of the County Manager of Mecklenburg County and in the offices of the City Clerks of Charlotte, Cornelius, Davidson, Huntersville, Matthews, and Pineville, copies of its report and the proposed charter. These copies shall be available for public inspection. In addition, the Commission shall have authority to publish the charter, or summary thereof, for such public distribution as it deems desirable, and to take such further steps it deems desirable in order to acquaint the public generally with its recommendations.

Sec. 10. Charter Vote. (a) After making any changes deemed desirable as a result of the public hearings prescribed in Section 9, the Commission shall submit the

proposed charter to the voters of Mecklenburg County in a county-wide referendum on a date to be set by the Commission, but not earlier than December 1, 1970. An affirmative majority of the voters in the county voting in the election shall be necessary for approval. The election shall be conducted by the Mecklenburg County Board of Elections, and expenses directly involved in the election shall be shared equally by Mecklenburg County and the City of Charlotte. The form of the ballot shall be substantially as follows:

For charter proposed by Charlotte-Mecklenburg Charter Commission

Against charter proposed by Charlotte-Mecklenburg Charter Commission

(b) If the new plan of government is approved in the county-wide referendum, the governing boards of the Towns of Cornelius, Davidson, Huntersville, Matthews, and Pineville are hereby directed to submit to the voters in each town the question of whether the town shall withdraw from the new government prior to the date on which it becomes effective. The referendum in each town shall be held within 120 days after the date of the county-wide referendum. The referendum in each town shall be called by the governing body of that town and conducted by the Mecklenburg County Board of Elections, and all expenses involved in the conduct of the referendum shall be met by the town. The form of the ballot shall be substantially as follows:

For withdrawal from the new consolidated government of Mecklenburg County

Against withdrawal from the new consolidated government of Mecklenburg County

An affirmative majority of those voting in each town in that election shall be necessary for the withdrawal of a town from the new government. The results of each referendum shall be certified by the governing board of each town to the governing board of the new government.

Sec. 11. Effective Date of New Government. The Commission shall set the date on which any new government will become effective. Provided, that no new government shall become effective until approved by the voters of Mecklenburg County in accordance with Section 10 of this Act, and until any charter so approved is enacted into law by the General Assembly.

Sec. 12. Transition. The charter shall provide transitional steps for the transfer of responsibilities, property, revenues, and obligations from existing governments to the new government. This may be accomplished in a single step, or in stages as the Commission deems desirable. The charter shall provide for the election of the first governing board of the new government, and shall provide for the extension of the terms of office of all existing officers, without further elections, until their offices are eliminated or replaced by offices under the new government.

Sec. 13. If any provision of this Act is held invalid, such invalidity shall not affect other provisions of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1969.