

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 334  
HOUSE BILL 623

AN ACT CREATING THE HENDERSONVILLE - HENDERSON COUNTY STUDY  
COMMISSION OF THE MUNICIPALITIES WITHIN, AND THE COUNTY OF,  
HENDERSON.

The General Assembly of North Carolina do enact:

**Section 1.** Creation. There is hereby created the Hendersonville - Henderson County Governmental Study 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 Henderson County;

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

(c) to prepare proposals for the reorganization and reallocation of local governmental powers, duties, functions and responsibilities for the municipalities located within and for Henderson County to the end that a more efficient and economical local government might result.

(d) 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 proposals for more efficient local government and the plan of government the Commission recommends.

**Sec. 2.** Membership (a) Commission. The Commission shall be constituted as follows:

(1) a chairman, who shall be appointed jointly by the Mayor of Hendersonville and the Chairman of the Board of Commissioners of Henderson 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 Commission, then the members of the Commission shall meet and elect a chairman;

(2) Three members appointed by the Mayor of Hendersonville with the approval of the City Council;

(3) Three members appointed by the Chairman of the Board of Commissioners of Henderson County, with the approval of the Board of Commissioners, of whom at least two shall be residents of the unincorporated area of the county; and

(4) The Mayor of the City of Hendersonville and the Chairman of the Board of Commissioners of Henderson 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 thirty members and a chairman, chosen as follows:

- (1) Fifteen members appointed by the Mayor of Hendersonville;
- (2) Fifteen members appointed by the Chairman of the Board of Commissioners of Henderson County; and
- (3) the Chairman of the Charter Commission, who shall be Chairman of the Citizen's Review Committee.

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

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

(d) All appointments to the 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 Committee shall cease to exist on March 1, 1973.

**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 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 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 Henderson 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 Henderson County and the City of Hendersonville. 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.

**Sec. 8. Cooperation of Units.** Henderson County, and the City of Hendersonville, and all other local governmental units or agencies in Henderson 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 proposals, 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 Henderson County, and the City of Hendersonville 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 Commissioners of Henderson County and in the offices of the clerk of the 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 Commissioners of Henderson County and in the offices of the city clerks of Henderson, 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 proposals, 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.** (a) After making any changes deemed desirable as a result of the public hearings prescribed in Section 9, the Commission shall submit the proposals to Henderson County Commissioners and the City of Hendersonville for their decision to obtain enabling legislation.

**Sec. 11.** All laws and clauses of laws in conflict with this Act are hereby repealed.

**Sec. 12.** This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.