

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 778
SENATE BILL 495

AN ACT CREATING THE ASHEVILLE-BUNCOMBE CHARTER COMMISSION
AND PROVIDING FOR AN ELECTION ON THE CONSOLIDATION OF THE
GOVERNMENTS OF THE MUNICIPALITIES WITHIN AND THE COUNTY OF
BUNCOMBE.

The General Assembly of North Carolina enacts:

Section 1. Charter Commission Created and Empowered. There is hereby created The Asheville-Buncombe Charter Commission. The Commission shall:

(1) Study possible consolidation, separation, addition, removal, or other revisions of the local governmental structures, functions and operations in Buncombe County, and determine what tax savings could be made and what efficiencies could be gained through reorganization or reallocation of such structures, functions, and operations.

(2) Prepare a report setting forth a general plan of consolidated local government for Buncombe County.

(3) Prepare a proposed charter for the Consolidated Government for Asheville and Buncombe County in accordance with the provisions of the Consolidated City/County Act of 1973 (Chapter 160B of the General Statutes) that provides for the reorganization and reallocation of local government powers, duties and responsibilities into a single government for Buncombe County.

(4) Submit the proposed charter to the voters of the City of Asheville, Buncombe County and the other municipalities in Buncombe County in a referendum, as provided in Section 11 of this act.

Sec. 2. Charter Provisions. (a) The proposed charter shall be so devised that the voters of any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville and Woodfin may elect to become an integral part of this new government at a future date.

(b) The proposed charter shall provide for the continuation of all local government ordinances, resolutions and policies by the proposed consolidated government without loss of rights or benefits by any party. The proposed charter shall also include provisions to repeal or modify all local ordinances, resolutions and policies that are no longer applicable, or that may be inconsistent with or in conflict with the form and structure of the proposed consolidated government and to prepare drafts of any legislation amending the North Carolina Constitution, the General Statutes and local or special acts of the General Assembly as may be necessary.

Sec. 3. Membership of the Commission. (a) The Asheville-Buncombe Charter Commission shall be composed of 21 voting members. No elected official or local government employee may serve as a voting member. The chairman of the Buncombe County Board of Commissioners and the Mayor of the City of Asheville or their designees, shall serve on the Commission as ex officio members without the right of vote or to hold any office. The Commission members shall be appointed as follows:

- (1) The Asheville City Council shall appoint six members.
 - (2) The Buncombe County Board of Commissioners shall appoint six members.
 - (3) The members of the General Assembly representing Buncombe County shall appoint three members.
 - (4) Each other municipality in Buncombe County shall appoint one member each.
 - (5) The Commission thus composed shall then appoint one additional member.
- (b) If any appointing authority shall fail to act by September 1, 1981, to make the appointments required by subdivisions (1) through (4) of subsection (a) of this section, then the members of the General Assembly representing Buncombe County shall jointly make the appointment.
- (c) Any vacancy shall be filled by the board or group making the original appointment.

Sec. 4. Organization of the Commission. (a) The Commission shall elect from its membership a chairman, a vice-chairman and such other officers as it may deem necessary. The Commission shall adopt rules of procedures not inconsistent with this act.

(b) The Commission may appoint special committees to assist in carrying out its duties. Persons who are not members of the Commission may be appointed to said committees.

(c) The senior member of the North Carolina General Assembly who is a resident of Buncombe County shall call the organizational meeting of the Commission and preside until the Commission elects its chairman and vice-chairman. The organizational meeting shall be held between September 1, 1981, and September 15, 1981, in a mutually agreed-upon location.

Sec. 5. Meetings of the Commission. All meetings of the Commission shall be open to the public and the Commission shall comply with provision of Article 33C of Chapter 143 of the General Statutes (the Open Meetings Law). The Commission shall adopt a schedule of regular meetings and may hold special meetings upon reasonable notice to all members.

Sec. 6. Staff of the Commission. The Commission may contract with State and local government agencies and other institutions, persons, firms, or corporations to make special studies and to assist in its work.

Sec. 7. Financing of the Commission. The Commission shall prepare a budget to support its request for funds to carry out its work, not to exceed a total of fifty thousand dollars (\$50,000). Buncombe County shall meet the Commission's expenses

up to this amount. Expenditures of the Commission shall be authorized by the chairman and vice-chairman. Buncombe County shall provide accounting and treasury service to the Commission.

Sec. 8. Compensation for Commission Members. Members of the Commission shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

Sec. 9. Cooperation of Local Units of Government with the Commission. All local governmental units and agencies in Buncombe County shall cooperate with the Commission by providing records, reports and information upon the Commission's request.

Sec. 10. Schedule of Work and Hearings. The Commission shall publish its preliminary recommendations regarding the proposed charter creating the Consolidated Government of Asheville and Buncombe County by April 15, 1982. The Commission shall hold at least two public hearings on these preliminary recommendations commencing in May of 1982. After making any changes deemed desirable after the public hearings, the Commission shall complete the final proposed charter and file a copy with each participating governmental board by September 1, 1982.

Sec. 11. Charter Referendum. (a) After completing the final version of the charter pursuant to Section 10, of this act, the Commission shall submit the proposed charter to the voters of Buncombe County in a countywide referendum on November 2, 1982. The Board of Elections of Buncombe County shall conduct the referendum and the Buncombe County Board of Commissioners shall appropriate funds to meet all expenses of the referendum.

(b) The form of the ballot shall be substantially as follows:

"[] FOR charter proposed by Asheville-Buncombe Charter Commission.

[] AGAINST charter proposed by Asheville-Buncombe Charter Commission."

(c) Approval of the charter will require an affirmative majority of the voters voting in the election in both Buncombe County (excluding the corporate limits of the City of Asheville) and the City of Asheville, tallied separately.

(d) In addition to the referendum question outlined in subsection (b) of this section, the voters of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville and Woodfin shall vote on the additional question as follows:

"[] FOR inclusion of the Town of in the consolidated government described in the charter proposed by the Asheville-Buncombe Charter Commission.

[] AGAINST inclusion of the Town of in the consolidated government described in the Charter proposed by the Asheville-Buncombe Charter Commission."

An affirmative majority of those voting in each town in that election shall be necessary for the inclusion of the town in the new government.

Sec. 12. Effective Date of New Government. If the charter is approved pursuant to the provisions of Section 11 of this act, the new government will become effective on December 3, 1984.

Sec. 13. Act Ceased To Be in Effect. If the voters of Buncombe County vote against the charter pursuant to the provisions of Section 11 of this act, this act shall cease to be in effect on the date of the certification of the results of the referendum by the Board of Elections.

Sec. 14. Severability. 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. 15. Repealer. All laws and clauses of laws public and local in conflict with this act are hereby repealed.

Sec. 16. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1981.