

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 607

Short Title: Wilmington-New Hanover Gov. Study.

(Local)

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Sponsors: Representative McComas.

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Referred to: Rules, Calendar and Operations of the House.

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March 29, 1995

A BILL TO BE ENTITLED

AN ACT TO CREATE THE WILMINGTON-NEW HANOVER LOCAL  
GOVERNMENT TASK FORCE.

The General Assembly of North Carolina enacts:

Section 1. The General Assembly finds that the annexation process in New Hanover County and studies of consolidation of local governments and services are ongoing without ample time for consideration. The General Assembly finds that an integrated, comprehensive study of these matters is needed. The goal of this act is to find a system that is more responsive, more efficient, and more cost-effective.

Sec. 2. (a) There is established the Wilmington-New Hanover Local Government Task Force to study:

- (1) The consolidation of the county and the city;
- (2) The consolidation of one or more of their functions and services of the county and the city; and
- (3) The annexation laws applicable in New Hanover County.

(b) The City of Wilmington, the Town of Wrightsville Beach, the Town of Kure Beach, the Town of Carolina Beach, and the County of New Hanover may appropriate for the support of the task force any revenues not otherwise limited as to use by law.

Sec. 3. (a) The Task Force shall consist of 15 members as follows:

- 1 (1) Two residents of the City of Wilmington appointed by the Wilmington  
2 City Council;
- 3 (2) Two residents of New Hanover County appointed by the Board of  
4 Commissioners of New Hanover County;
- 5 (3) One resident of the Town of Carolina Beach appointed by the governing  
6 board of that town;
- 7 (4) One resident of the Town of Kure Beach appointed by the governing  
8 board of that town;
- 9 (5) One resident of the Town of Wrightsville Beach appointed by the  
10 governing board of that town; and
- 11 (6) Four members appointed by the General Assembly upon the  
12 recommendation of the Speaker of the House of Representatives, as  
13 follows: \_\_\_\_, \_\_\_\_, \_\_\_\_, and \_\_\_\_, all of whom are residents of New  
14 Hanover County.
- 15 (7) Four members appointed by the General Assembly upon the  
16 recommendation of the President Pro Tempore of the Senate, as follows:  
17 \_\_\_\_, \_\_\_\_, \_\_\_\_, and \_\_\_\_, all of whom are residents of New Hanover  
18 County.

19 (b) Members shall serve for the life of the Task Force. Vacancies in  
20 membership shall be filled by the appointing authority, except that if a vacancy occurs  
21 when the General Assembly is not in session in one of the appointments made by the  
22 General Assembly under subdivision (a)(6) of this section, the commission may appoint a  
23 resident of New Hanover County to fill the vacancy.

24 Sec. 4. The Task Force may:

- 25 (1) Study the powers, duties, functions, responsibilities, and organizational  
26 structures of the City of Wilmington and the County of New Hanover  
27 and of other units of local government and public agencies within the  
28 County of New Hanover;
- 29 (2) Study the annexation laws applicable in New Hanover County;
- 30 (3) Study the creation of a consolidated local government in the county;
- 31 (4) Study the continuation of the present local government structure in the  
32 county, with the possible addition of any urban service districts;
- 33 (5) Study the expansion of the corporate limits of municipalities in the  
34 county;
- 35 (6) Study any other possible local governmental structures or arrangements  
36 in the county;
- 37 (7) Prepare a report on its studies and findings;
- 38 (8) Prepare a plan for consolidating one or more functions and services of  
39 the governments in New Hanover County, which consolidation may  
40 occur in phases;
- 41 (9) Prepare a plan for consolidating into a single government some or all of  
42 the governments in New Hanover County;

1 (10) Prepare a plan in the form of an ordinance for changing local annexation  
2 laws to meet the special needs of the City of Wilmington and New  
3 Hanover County;

4 (11) Prepare drafts of any agreements and legislation necessary to effect the  
5 planned changes; and

6 (12) Call a referendum, as provided in Section 6 of this act on any plan or  
7 plans adopted.

8 Sec. 5. The Task Force may:

9 (1) Adopt rules for the conduct of its business;

10 (2) Apply for, accept, receive, and disburse funds, grants, and services  
11 made available to it by the State of North Carolina or any agency  
12 thereof, the federal government or any agency thereof, any unit of local  
13 government, or any private or civic agency;

14 (3) Employ personnel;

15 (4) Contract with consultants;

16 (5) Hold hearings in the furtherance of its business; and

17 (6) Take any other action necessary or expedient to the furtherance of its  
18 business.

19 Sec. 6. The Task Force may call a referendum on any plan or plans it  
20 proposes. The referendum may be held on the same day as any other referendum or  
21 election in the county or counties involved, but may not otherwise be held during the  
22 period beginning 50 days before and ending 50 days after the day of any other  
23 referendum or election to be conducted by the board or boards of elections conducting the  
24 referendum and already validly called or scheduled by law.

25 The Task Force may place more than one question on the ballot. In order to  
26 pass, any proposition shall receive the votes of a majority of those voting in the  
27 referendum. In addition, no proposition may become effective until enacted into law by  
28 the General Assembly except that any ordinance of the Task Force under Section 4(10) of  
29 this act shall, as to territory in New Hanover County, prevail over any conflicting  
30 provisions of Article 4A of Chapter 160A of the General Statutes.

31 Sec. 7. The members of the task force shall not receive any compensation for  
32 their services, but shall be reimbursed for their actual and necessary expenses incurred in  
33 performance of their official duties as members, not in excess of that which would be  
34 allowable under Chapter 138 of the General Statutes. Actual and necessary expenses  
35 shall be presumed to be ten dollars (\$10.00) for each meeting attended, unless a member  
36 shall submit evidence demonstrating higher expenses.

37 Sec. 8. Within 90 days after ratification of this act, the Clerk of Superior Court  
38 of New Hanover County shall call a meeting of the task force for the purpose of  
39 organization. At this organizational meeting, the task force shall elect from among its  
40 members a chair, a vice-chair, a secretary, a treasurer, and such other officers as the task  
41 force may determine, all of whom shall serve at the pleasure of the task force. Vacancies  
42 in any office elected under this section shall be filled by the task force from among its  
43 members.

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

3 Sec. 9. The task force shall hold regular meetings at places and dates to be  
4 determined by the task force, but in any event, the task force shall meet at least once  
5 monthly until its work is completed. Special meetings may be called by the chair and  
6 shall be called by the chair if requested by three or more members of the task force. The  
7 chair shall notify in writing all task force members of any special meeting at least three  
8 days prior to any such meeting. Meetings may be held inside or outside New Hanover  
9 County, and shall be open to the public.

10 Sec. 10. The County of New Hanover, the City of Wilmington, and all other  
11 local governmental units or agencies in New Hanover County shall make available to the  
12 task force any records, reports, or information the task force requests; and they may assist  
13 the task force through gifts of necessary supplies and equipment, and temporary loans of  
14 personnel.

15 Sec. 11. The task force shall complete its study and prepare a report of its  
16 findings and recommendations not later than September 1, 1996. Upon completion of its  
17 study and report, the task force shall meet with the governing bodies of New Hanover  
18 County, the City of Wilmington, and any other units of local government in New  
19 Hanover County either separately or jointly, in order to present its report to the governing  
20 bodies. After making any changes deemed desirable as a result of the above meetings, the  
21 task force shall hold one or more public hearings.

22 Sec. 12. (a) The authority of municipalities to adopt annexation ordinances,  
23 resolutions of intent, and resolutions of consideration concerning territory in New  
24 Hanover County pursuant to Parts 2 and 3 of Article 4A of Chapter 160A of the General  
25 Statutes is hereby suspended until December 31, 1996. Any time period in such statutes  
26 running prior to adoption of the annexation ordinance are tolled until that date.

27 (b) If any annexation ordinance is adopted prior to the date of ratification of  
28 this act as to any territory in New Hanover County, but that ordinance was not yet  
29 effective, then the effective date of the ordinance is stayed until January 1, 1997.

30 Sec. 13. This act is effective upon ratification.