

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 607  
Committee Substitute Favorable 4/26/95

Short Title: Wilmington-New Hanover Gov. Study.

(Local)

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Sponsors:

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Referred to:

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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.

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

- 2           (1) Six residents of the City of Wilmington appointed by the Wilmington  
3           City Council;
- 4           (2) Six residents of New Hanover County appointed by the Board of  
5           Commissioners of New Hanover County;
- 6           (3) One resident of the Town of Carolina Beach appointed by the governing  
7           board of that town;
- 8           (4) One resident of the Town of Kure Beach appointed by the governing  
9           board of that town; and
- 10          (5) One resident of the Town of Wrightsville Beach appointed by the  
11          governing board of that town.

12          (b) Members shall serve for the life of the Task Force. Vacancies in  
13 membership shall be filled by the appointing authority.

14          Sec. 4. The Task Force may:

- 15          (1) Study the powers, duties, functions, responsibilities, and organizational  
16          structures of the City of Wilmington and the County of New Hanover  
17          and of other units of local government and public agencies within the  
18          County of New Hanover;
- 19          (2) Study the annexation laws applicable in New Hanover County;
- 20          (3) Study the creation of a consolidated local government in the county;
- 21          (4) Study the continuation of the present local government structure in the  
22          county, with the possible addition of any urban service districts;
- 23          (5) Study the expansion of the corporate limits of municipalities in the  
24          county;
- 25          (6) Study any other possible local governmental structures or arrangements  
26          in the county;
- 27          (7) Prepare a report on its studies and findings;
- 28          (8) Prepare a plan for consolidating one or more functions and services of  
29          the governments in New Hanover County, which consolidation may  
30          occur in phases;
- 31          (9) Prepare a plan for consolidating into a single government some or all of  
32          the governments in New Hanover County;
- 33          (10) Prepare a plan in the form of an ordinance for changing local annexation  
34          laws to meet the special needs of the City of Wilmington and New  
35          Hanover County;
- 36          (11) Prepare drafts of any agreements and legislation necessary to effect the  
37          planned changes; and
- 38          (12) Call a referendum, as provided in Section 6 of this act on any plan or  
39          plans adopted.

40          Sec. 5. The Task Force may:

- 41          (1) Adopt rules for the conduct of its business;
- 42          (2) Apply for, accept, receive, and disburse funds, grants, and services  
43          made available to it by the State of North Carolina or any agency

1                   thereof, the federal government or any agency thereof, any unit of local  
2                   government, or any private or civic agency;

3                   (3)   Employ personnel;

4                   (4)   Contract with consultants;

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

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

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

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

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

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

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

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

42                  Sec. 10. The County of New Hanover, the City of Wilmington, and all other  
43                  local governmental units or agencies in New Hanover County shall make available to the

1 task force any records, reports, or information the task force requests; and they may assist  
2 the task force through gifts of necessary supplies and equipment, and temporary loans of  
3 personnel.

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

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

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

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