

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, July 24, 2000

4:10 P.M. Merger Worksession

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners William V. Bell, Joe W. Bowser, and Becky M. Heron

Absent: None

Presider: Chairman Black

Chairman Black called the worksession to order.

Chairman Black said the purpose of the meeting is to consider various issues relative to the proposed charter to merge Durham City and County Governments. A number of issues had come up and Chairman Black felt the Commissioners should meet for discussion of those issues.

County Attorney Chuck Kitchen would go through the material with the Commissioners. The Commissioners would be able to ask questions as the meeting progresses.

County Attorney Kitchen would begin with a general overview of what is envisioned in the charter and continue to the provision of creating the new government. He would then address the charter and the transition documents.

Attorney Kitchen had hoped to have a new map for reference purposes, but it was not available.

Mr. Kitchen began his presentation.

The Commissioners asked questions and made comments throughout the presentation about the merger documents. County Attorney Kitchen responded.

Mr. Kitchen said an existing statute relative to merger of governments indicates that the city limits are abolished and leaves a county intact. The county becomes a merged government.

In the proposal the Board is considering, the City remains a legal entity with an additional third entity--an overarching political subdivision. The political subdivision is called "City-County." The new government serves as the governing body for the City and County. The new political subdivision concept must be enacted by the General Assembly before the "City-County" political subdivision can be established.

Attorney Kitchen discussed in detail the legal issues relating to the governing structure. He continued his presentation with remarks on the charter.

Commissioner Bell commented that the questions being asked are relevant and important; however, that is not really the issue with me. I had hoped if the citizens voted on a referendum, they would know for certain what they are voting on and would know for certain that the merger, if approved, would occur by certain dates. The other issue--I don't agree with the structure form of government. I had hoped that we would define districts (if that is what the commission were going to propose) so the citizens would know the plan they were voting on. I have no problem with letting the people make the decision. That does not mean I would support it. All the legalities should be addressed. I don't think that is the case. The public can vote on a referendum and if the state legislature doesn't enact it, we still don't have a charter.

Chairman Black said she concurs with Commissioner Bell. She is concerned about the taxing issue, and the form of government proposed is so different. She also expressed concern about the four districts since the boundaries are unknown. The Sheriff and Police Departments are also a concern about the proposed merger. I would have a hard time sending this forward.

Commissioner Heron said the commission is on the fast track and does not have time to do what the governing bodies have asked it to do. I am concerned about the law enforcement issue that exists as well as how the proposed election would take place. There are many issues of concern.

Vice-Chairman Reckhow said she's uncomfortable with the fact that the Charter Commission went outside the boundaries detailed in G.S. 153A-402 to draw up a charter. This raises many questions.

Attorney Kitchen continued with his presentation on the charter as proposed.

Chairman Black said the Commissioners, as individuals, should submit their concerns to the cochairs of the Charter Commission before the meeting on Thursday night.

Chairman Black said a letter should be sent to all Charter Commission members relative to the charter documents.

Announcements

Chairman Black announced that the public hearing on merger would be held on Monday, August 7, 2000 at 5:30 p.m. in the Commissioners' Room at 200 E. Main Street.

The Board of County Commissioners would meet at noon on Wednesday August 9, 2000, in the Commissioners' Room to vote on merger relative to the calling for a referendum.

Interim County Manager Titus would contact the Election Departments to determine whether the August 11, 2000 date is still valid to call for the referendum.

County Manager Titus responded to several Commissioner questions.

The County Commissioners held a lengthy discussion on the merger documents.

Vice-Chairman Reckhow asked what would be the next step in the process if the Charter Commission does not make the changes recommended by the Commissioners and the referendum is not held.

Chairman Black said the Commissioners cannot change the existing merger documents. The elected officials could become the Charter Commission.

Attorney Chuck Kitchen said one issue is districts. The Board may not want to take formal action until it receives the census data and until the new Board of Commissioners takes office in December.

Chairman Black said action may not be taken until after the districts are drawn.

Chairman Black said she would prefer seeing a partisan race.

County Attorney Chuck Kitchen said the Board may want to consider further delineating the scope of services between the City and County to eliminate overlap.

Adjournment

Chairman Black adjourned the meeting at 6:22 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board