

Popular Government

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Airlie Oak

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THE COVER

Airlie Oak, said to be hundreds of years old, is one of the sights of Wilmington's ocean-side gardens of Airlie. The azaleas at Airlie, Orton Plantation, and Greenfield Lake will be at the peak of their bloom during Wilmington's Sixth Annual Azalea Festival March 26-29.

THE CLEARINGHOUSE

A summary of events of particular interest
to city, county and state officials

Rural Fire Protection

Forsyth County has adopted an elaborate rural fire protection program designed to meet standards of the North Carolina Fire Insurance Rating Bureau for insurance rate reductions in rural areas. Under the plan a Forsyth County Fire Districts Commission was established, composed of one county commissioner, the president of the Forsyth County Volunteer Firemen's Association, and the **Winston-Salem** Fire Chief or his representative. The commission will be responsible for overseeing equipment, personnel, and records which rural departments must have in order to secure county assistance.

Formal fire districts were created for each of the county's eleven volunteer departments. Those which meet minimum standards of equipment, personnel, and operation will be eligible for \$1,000 interest-free loans from the county. In addition, the county will furnish each department up to \$300 per year for the purchase of fire-fighting equipment, first-aid or rescue equipment, and radios, provided the department matches the county outlay and the federal government supplies matching funds under its civil defense program.

Individual departments will be inspected by representatives of the Rating Bureau. If they meet requirements, residents of the areas they serve will be eligible for rate reductions of either three cents or seven cents per \$100 of fire insurance coverage, depending upon location of their property.

Additional benefits will accrue to the departments from the county's plan. They will now be eligible for workmen's compensation coverage and also for membership in the North Carolina Firemen's Association and the Firemen's Relief Fund. As governmental agencies, it is believed that they will have governmental immunity against liability for damage they accidentally commit in the course of fighting fires.

A commission appointed by the

Catawba County Board of Commissioners to study the rural fire protection program has made a detailed report. The commission recommended (a) that the county secure authority to appoint a building inspector, as a means of furthering fire prevention; (b) that all cities in the county enter contracts similar to Hickory's present contract (whereby the city agrees to purchase and man a truck for operation in rural areas, in return for annual payments by the county which will eventually meet the cost of the truck); (c) that the entire county, exclusive of incorporated areas, vote whether to establish a rural fire protection district under authority of Sections 69-25.1 to 69-25.8 of the General Statutes, and that in case of rejection by the voters the county withdraw entirely from the field of fire protection; and (d) that three rural volunteer departments be organized and equipped by the county to serve areas remote from city departments.

Guilford County's rural volunteer fire departments have formed a county-wide association for work on mutual problems. . . . Preliminary plans have been drawn for a **Johnston County** Fireman's Association composed of members of the county's eight town fire departments. . . . The president of the **Warren County** Farm Bureau has appointed a six-man committee to work with Commissioner Wally Dunham of **Forsyth County** in a survey of the county's rural fire protection needs. . . . **New Hanover County** has made initial payments of \$200 each to five volunteer fire departments from its newly established fire fund of \$5,000.

Schools

School consolidation has been much in the news in late 1952 and thus far in 1953. Communities which have lost high schools through consolidation have been using several methods to have their schools re-opened: (1) residents of a community in **Forsyth County** (**Old Richmond**) have been operating their high school as a private school supported by the community while they have been trying

vainly both to get the State Board of Education to reverse its consolidation ruling and to have the county operate the school from county funds without state help; (2) residents of two communities in **Bertie County** (**Mars Hill** and **Merry Hill**) whose high schools have been closed have found a champion in the county representative to the 1953 General Assembly, and he has introduced a bill which in effect would require the state to re-open the schools if both the county board of education and the parents of the children who attended the schools before consolidation so requested; and (3) residents of a community in **Granville County** (**Stem**) are planning to petition the State Board to re-open their high school next fall. Opponents of consolidation received some support in Governor Umstead's inaugural address, when he said that consolidation can be carried too far and that the human element should be considered in consolidation decisions. Meanwhile the local school boards in the county, looking toward a long-range program to be carried out over 5 to 10 years in which the 13 high schools might become perhaps 3.

Pay-as-you-go school building programs are being discussed in **Mecklenburg** and **Forsyth**. **Mecklenburg** voters recently approved the issuance of \$7,500,000 in bonds, but the county commissioners are considering a plan for raising that amount through a 20-cent tax levy in 7 years instead of issuing 30-year bonds. The current levy plan would save the taxpayers of **Mecklenburg** around \$4,000,000 in interest that would otherwise be spent if 30-year bonds were issued. **Forsyth** commissioners are considering a 10-cent levy for school construction over a 5-year period to raise approximately \$4,500,000, hoping in this way perhaps to eliminate the necessity of a bond issue. **Guilford County** has been on pay-as-you-go since the war, and in this fiscal year the commissioners are providing over \$1,500,000 for school construction through the levy of a tax of around 40 cents for this purpose.

Wake County citizens vote on February 24 on a bond issue totaling

\$5,500,000 for school buildings. Half of the proceeds would go to the county schools and half to the city schools; and **Sampson County** is considering a \$2,000,000 school bond issue, a joint meeting of the Democratic and Republican Executive Committees of the county having petitioned the board of county commissioners to take such steps as are necessary to submit the proposed issue to the voters. One of the steps necessary would be a horizontal increase in property valuations, since the present assessed valuation is not sufficient to support a bond issue of that size in view of the statutory requirement that school bonds not exceed 5% of total assessed valuation.

County Buildings

The last three General Assemblies, in 1947, 1949 and 1951, appropriated an average of \$5,000,000 for the North Carolina Medical Care Commission hospital building program. These funds were matched with federal and local funds and resulted in the construction of a number of hospital facilities throughout the State. The Medical Care Commission has requested the 1953 General Assembly to appropriate \$6,000,000 for the biennium 1953-55. The Advisory Budget Commission, however, recommended that only \$750,000 be appropriated and that this sum be earmarked for small rural counties which have not previously received aid in building hospitals. If the General Assembly accepts the recommendation of the Advisory Budget Commission, there will be a drop in the construction of county hospital facilities during the coming biennium.

Guilford County and **High Point** are considering the joint erection of a city-county building to house county and city law enforcement agencies, a city-county jail, and an enlarged courtroom. The building would be erected on county land, constructed by the city, and the county would buy the building from the city over a period of years.

Wilson County's board of commissioners in January approved plans for a **Wilson County** health center. The center will be located just outside **Wilson** between the county home and the county tuberculosis sanatorium.

Schools Planned for Accountants & Commissioners

The annual school for county accountants will be held in Chapel Hill from Tuesday, March 10, to Thursday, March 12. Subjects planned for discussion include: (1) the financing of the various items of expenditure in the school current expense budget, (2) fire insurance on county buildings, (3) rural fire protection programs, (4) problems in county finance and accounting procedures, (5) legislation being considered by the 1953 General Assembly relating to county finance, and a number of other topics. Sessions will be held in the Law School.

NEWLY ELECTED

Commissioners

A two-day school for county commissioners was held by the Institute of Government in Chapel Hill on January 13 and 14. The subject matter was designed for newly-elected county commissioners, but a number of commissioners with many years of service attended, along with several county accountants and county attorneys. Over 100 county officials from 45 counties attended the school. Around 45 were newly-elected commissioners, so that almost half of the 103 county commissioners who took office for the first time last December were in attendance. In addition, around a dozen commissioners attended who were elected chairmen of their respective boards for the first time last December.

Orange, Sampson, and Transylvania counties led the attendance list, with all county commissioners present. **Iredell County** had 4 of its 5 commissioners present, and **Cleveland, Cumberland, Duplin, Forsyth, Hoke, Nash, New Hanover, Onslow, and Warren** had 3 out of 5 present. **Buncombe** had 2 out of 3 present. **Cleveland** led the list of total officials present with 5, and **Buncombe, Duplin, Hoke, Nash, and Onslow** had 4 officials present.

Property tax discussions took up the bulk of the time. On Tuesday afternoon, the subject considered was the power of board of commissioners to levy property taxes, with and without a vote of the people. On Tuesday

The annual series of district meetings for county commissioners will be held at ten courthouses throughout the State beginning on March 17 and ending on April 2. County commissioners have been notified of the meeting place and date of the meeting in their district. The following subjects will be discussed: (1) financing public schools, (2) leasing county homes—advantages and disadvantages, (3) the future of county tuberculosis sanatoria, (4) legislation of interest to county officials being considered by the 1953 General Assembly, and several other topics of current interest.

Attend School

night, the subject was the machinery for listing and assessing property for taxation and the commissioner's responsibility in connection therewith. On Wednesday morning, the subjects were the place of the board of equalization and review in the taxing process, revaluing real property, and the power of commissioners to grant refunds and rebates. The final session on Wednesday was given over to a discussion of the purposes for which non-tax revenues can be spent and the duties of county commissioners in connection with the adoption of the budget and the limiting of expenditures to amounts provided for in the budget.

On Tuesday evening, Mr. J. Henry Vaughn, secretary-treasurer of the State Association of County Commissioners, spoke to the meeting on legislation of interest to county commissioners introduced in the early days of the 1953 General Assembly. On Wednesday afternoon, Mr. W. E. Easterling, secretary of the Local Government Commission, spoke on the power of county commissioners to issue bonds and notes and the procedures for their issuance.

The Board of Directors of the State Association of County Commissioners held a called meeting on Wednesday morning. During that meeting, the board put itself on record as opposing any attempt to repeal the old age assistance lien law.

NOTES . . .

From North Carolina Counties

Legislative Notes

Newspaper stories during late December, January, and early February indicated that boards of commissioners in a number of counties were considering recommending to their senators and representatives legislation affecting the salaries of various county offices. A number of salary acts had already been introduced into the legislative mill by February 1. On February 5, just before this issue of **Popular Government** went to press, state-wide legislation was introduced which would give boards of commissioners authority to set all salaries, compensation and travel allowances of all elected and appointed county officers and employees, with the exception of the salaries of the commissioners themselves. The reason for the introduction of the bill, as explained by its introducer, was to put the authority over salaries in the hands of those who know the situation best and to relieve the General Assembly of the necessity of considering a mass of salary legislation at each session.

Several counties are considering changes in the make-up of the board of commissioners. Some are considering increasing the number of commissioners from 3 members to 5 members, while others are considering adopting the four-year staggered term plan for election of commissioners. A recent count indicated that around 40 counties had three-member boards, around 56 had five-member boards, and 4 had boards with 6 or 7 members. In 1947, 18 boards were elected on the four-year staggered term plan, but the number has been increasing with every session of the General Assembly. Legislation was introduced early in the 1953 session extending this plan to two more counties.

The General Assembly has already passed an act giving **Nash County** authority to invest county funds, pending their use, in bonds or notes of the U. S., the State of North Carolina, or counties and cities of North Carolina. **Forsyth** and **Guilford** are considering similar legislation. In addition, Guilford County is considering legislation authorizing the board of commissioners to take out public liability and property damage insurance and to waive the county's im-

munity to the extent of the insurance coverage. **Warren County** is considering legislation to amend the dog law to eliminate the charge now paid by dog owners when they have their dogs vaccinated.

Property Taxes

Beginning with the regular meeting of boards of county commissioners on the first Monday in December each year, the property tax and its administration provide news of interest to most citizens through the winter months. At their December meetings, the commissioners appoint county tax supervisors and approve the appointment of township list takers to serve during the January listing period. In December the newspapers were full of these appointments and the regular sessions held in all counties for instructing list takers in their duties. This year, however, beginning in December and still continuing, the papers have been filled to a greater extent than usual with talk of revaluation of real estate.

Guilford, Cleveland, Lenoir, Wayne, Northampton, and Richmond—among others—are in the final stages of revaluations to become effective as of January 1, 1953. In Guilford the county commissioners anticipate a sharp increase in the total assessment figure of \$375 million. **Mecklenburg's** experience last year supports this expectation; values there were raised from \$288 million to \$447 million by virtue of reappraisal. Lenoir expects its new values to bring an overall increase of 50% over last year's assessments.

Haywood and **Nash** are still busy with revaluation work started in December. In Haywood local appraisers are seeking to assess property at 40% of its conservative present market value. In Nash, under the supervision of Tax Supervisor Curtis Ellis, thirty-five local appraisers are working for \$15 a day plus transportation to get the job done by early February. Newspaper reports indicate that Nash will probably spend \$20,000 to \$35,000 on the job. The present total valuation of \$61 million is expected to rise about 20% as a result of the program.

In **Pamlico County** a professional

appraisal firm started work on January 1 with the expectation of doing the complete job within six months. A 1950 cost basis is being used in setting the appraisal values; no assessment percentage has been set as yet. **Orange County** has recently started work on a revaluation to become effective next year. **Alamance County**, having done a complete revaluation job on urban properties four years ago, seems to be feeling the need for additional work throughout the county. While no firm decision has been made so far, the commissioners are studying the possibility of a complete revaluation within the next two years. In **New Hanover** the situation has been aired in the newspapers and discussed at length in meetings of the board of county commissioners. One paper quotes county officials as saying there has been no general revaluation there since 1921 except for horizontal adjustments in 1933 and 1945. In **Halifax, Washington, Craven, Warren**, and a score of other counties the argument over whether to revalue or not to revalue is currently being fought out.

Iredell County has taken an important step in tax administration by letting a contract to have some tax maps prepared. In **Mecklenburg** the tax supervisor has recommended the adoption of a percentage rule for assessing household and kitchen furniture—a scheme for improving the total listings of this kind of property already followed in a number of North Carolina counties. In connection with this proposal and the whole problem of personal property listings, the **Charlotte News** has opened up new avenues for thought on the whole subject:

Undoubtedly [the percentage rule suggested] would be a substantial improvement, though the precise percentage figure may be open to debate.

But is it the best answer? We think not. [This] proposal, as we understand it, will not remedy one of the basic defects of the present system, i. e., the impossibility of catching renters. The only practicable way to catch renters under [this] plan, would be to assess the personal property percentage levy against the owner of rented property. He, in

turn, would have to collect out of the renter through higher rents. This is done in New Jersey, but there is some question whether that would be legal in North Carolina.

Why not simply abolish the personal property tax, except on automobiles, and add enough to residential listings to make up the lost revenue? That would automatically get everybody. It would save the waste of time and money in keeping a double set of books at the courthouse. And it would free the taxpayer of the annoying inconvenience of listing his personal belongings. . . .

County and city officials will recognize the legal difficulties involved in the initiation of such a plan, but they will not deny that the editorial writer is hitting at a fundamental problem.

Law Enforcement

Law enforcement agencies are being studied in a number of counties, with a view toward local legislation to meet ever increasing needs. In **Forsyth County** a proposal for a metropolitan police force stirred up a lot

of comment from newspapers, officials, and citizens. The original proposal would leave service of civil process in the sheriff's hands and put all criminal enforcement under a unified city-county police force. In **Mecklenburg County** a movement in the opposite direction was under way. The rural police force there was the object of an economy group, who were considering placing all county law enforcement under the sheriff. The movement appears to have died out after the county commissioners voted 4-1 against the proposal. A proposal has been made in **Surry County** that the sheriff's department and the **Mount Airy** police be consolidated.

In **Guilford County** the sheriff's department will soon receive 14 patrol cars, a new separately maintained and operated sheriff's radio station, and additional deputy sheriffs. This forward step will provide patrol protection for rural areas of Guilford County on a seven-day week, around-the-clock basis. In **Johnston County** Sheriff B. A. Henry, backed by editorial support from newspapers, seems well on the way to a budget increase for his department which will exceed 50 per cent. In **Hertford County** a committee is studying the needs of

the sheriff's office, with special emphasis on increasing the budget. **Brunswick County** will add one or two new deputies under legislation recently enacted. Meanwhile a long standing recommendation in **Harnett County** to add deputies to Sheriff Salmon's office appears near to positive action.

Miscellany

Hoke County has recently been confronted with a serious problem: the Federal Government wants to take 50,000 acres for the use of the Army. If the plan goes through, this 50,000 acres will be added to 92,000 acres taken during the 1920's and Hoke will be left with less than half of its original 265,000 acres. According to Hoke officials, if the plan goes through, part of one township will be lost, 400 families will be displaced, and 250 children will have to go to school in other counties. . . **Wake County** has created a county housing authority. . . **Robeson County** has recently named a dog warden and provided him with a truck. . . **Haywood County** seems to be the only county in the State with an official song. Its title: "Old Haywood, I Love Thee."

NOTES . . .

From North Carolina Cities

Elections

Municipal voting procedures have been the subject of much discussion in recent months. With the General Assembly in session, a number of cities and towns, officially or through civic organizations and newspapers, have been agitating with increased intensity for changes in the methods for selection of candidates, voting procedures, registrations, etc.

One of the significant movements observable in a number of places is the effort to consolidate city and county regular and special registrations. The necessity for registering in a series of books for a variety of types of elections has proved a nuisance for citizens for a long time. A few places have already remedied this situation; others are taking steps to do so now.

In **Statesville** the city council is seeking legislation districting the city

into six wards instead of the present four, and calling for the election of a member of the council from each ward. They are also seeking authority to set up a three-man city board of elections (two Democrats and one Republican) to conduct and supervise municipal primaries and regular elections. **Jamestown** is seeking to modify its municipal primary statute to allow nomination of two candidates for mayor and eight for the city council. At the present time the voters are allowed to nominate only one candidate for mayor and four for the council.

In the coming spring **Albemarle** will hold its first party primary for the nomination of candidates for the regular municipal election. **Wendell** town commissioners are considering legislation to do away with its traditional nomination of candidates in convention in favor of nomination by

primary. **Roxboro**, under legislation adopted in 1951, will make the same change this spring.

Bond Issues

Charlotte and **Mecklenburg County** voters have approved issuance of \$17,800,000 of bonds for schools, library buildings, water and sewerage systems, grade crossing elimination, street improvements and widening projects, and a new fire station. . . **Greensboro** voters approved \$1,750,000 for their water and sewerage systems, but turned down a proposal to add \$1,150,000 to privately-collected funds for a memorial auditorium. . . **Wallace** has voted to issue \$298,000 of bonds for water, sewer, and street projects, a municipal building including a new jail, and new fire-fighting apparatus. . . **Spray** will issue \$850,-

000 for new water and sewerage systems and **Granite Falls** \$200,000 for the same purposes.

Drexel will have an election February 21 on \$125,000 of bonds for waterworks improvements and **Mount Airy** will vote on \$602,500 of water and sewer bonds February 24. . . . **Sanford** has scheduled a water bond election for March 3, subject to approval of the Local Government Commission. . . **Carolina Beach** is considering a water and sewer bond issue, and **Statesville** is considering a \$230,000 bond issue for recreational facilities.

Marion Town Manager Reece Snyder has reported to his board of aldermen that the town will retire a 30-year indebtedness on April 1, leaving sewage-disposal bonds issued in 1951 as the town's only outstanding bonded indebtedness.

Public Improvements

Newton's city offices have been refurbished with a new glass-block front. . . The **Raleigh** City Planning Department has made a study for city council consideration of city hall facilities, to enable it to determine whether to enlarge the existing building, move some departments elsewhere, or construct a new building and sell the present one. Seven prospective sites were investigated. . . **Wilmington** and **Edenton** are considering construction of new fire stations. . . Work has begun on a new \$1,329,000 terminal building for **Charlotte's** Municipal Airport. Half of the cost is to be borne by the Civil Aeronautics Administration. . . . **Greensboro** is going ahead with plans for a new memorial auditorium, while **Winston-Salem** has altered plans for a similar structure so as to reduce the cost from \$1,650,000 to \$1,000,000. . . . **Statesville's** new fire and police station is scheduled for completion by March 15.

Streets and Traffic

Winston-Salem has agreed to pay up to \$1,000,000 of the right-of-way costs on a proposed \$8,163,000 east-west highway through the city. The 5.2-mile highway will be four lanes wide in all but the center of the city, where it will have six lanes. All intersections will be separated, with cloverleaf and ramp connections to cross streets. Work is to begin next summer and is expected to be completed in approximately four years.

Fayetteville's City Council has

adopted a grade-crossing ordinance requiring railroads to begin removing their tracks from the Hillsboro-Rowan Street intersection by April 1. . . . **Thomasville** officials have asked Southern Railway, state, and federal officials to restudy the city's grade-crossing problem. . . **Charlotte** is drawing plans for a railroad grade separation program whose cost is estimated at \$5,000,000. Seventeen crossings would be eliminated in the first phase of the program, for which plans are near completion.

Charlotte has opened a new network of one-way streets. . . **Wilmington's** City Council has rejected a one-way street plan, after opposition was expressed by the Merchants' Association. . . **Winston-Salem** is having success with a reversible one-way street, which is one-way towards the business district in the morning rush hours, one-way away from the district during the afternoon rush, and two-way during the intervening periods. . . **Charlotte** has inaugurated a similar system on a three-lane street, reversing the direction of flow in the center lane.

The **Wilmington** police force is conducting a driver's school for all city employees who have occasion to drive city vehicles. . . **Murfreesboro's** Town Council is studying proposals to establish a traffic bureau. . . **Thomasville, Winston-Salem, and Draper** have recently given consideration to street naming and numbering, in efforts to eliminate existing confusion. . . **Durham** has renamed 16 streets as "lane", "place", or "street" rather than "alley".

Hertford and **Durham** have prohibited parking on a number of streets in order to facilitate the movement of traffic. . . **Wilmington** is purchasing new traffic signals and is also experimenting with brighter street lights. . . **Charlotte** has installed traffic lights at two railway crossings which automatically flash red in all directions at the approach of a train. . . **Wilson** has hired a consulting firm to study its traffic and parking problems. . . **Scotland Neck's** Town Board has decided to accept no streets with less than a 50-foot right-of-way nor less than 27-foot paving from curb to curb.

Planning and Zoning

Kinston has adopted a perimeter zoning ordinance covering territory within one mile of the city limits. The ordinance was authorized by Chapter 876 of the Session Laws of 1951. . . The **Clinton** Board of Adjustment has

placed large advertisements in the local newspaper to call the public's attention to the town's new zoning ordinance. . . **Grifton** has been holding hearings necessary for adoption of a new zoning ordinance. . . The **Winston-Salem** Board of Adjustment has authorized construction of a television tower and transmitter station, subject to the restriction that "The vertical height of any structure must not exceed the horizontal distance from the base of the structures to the boundary line of adjoining properties." . . **Durham** is selling copies of its new zoning ordinance for \$1.00. The ordinance is contained in a pocket-sized book of 170 pages.

Dunn has created a planning board. . . . City Manager John Gold of **Winston-Salem** has established a five-man capital budget committee to schedule the city's public works program for six years in the future. Members of the committee are the city's superintendent of buildings and grounds, budget officer, finance officer, city manager, and the city-county planning director.

Newton has adopted a new subdivision-control ordinance. The ordinance requires the sub-developer to install all water and sewer facilities and to grade streets. When 40 per cent of the lots have been built upon, the city will refund 25 per cent of the cost of these improvements. When 80 per cent of the lots have been built upon the city will refund another 25 per cent of the cost. . . The **Statesville** City Planning Board has recommended that its city council adopt subdivision regulations.

Sanitation

Ahoskie has purchased two additional acres of swamp land for its garbage dump. . . **Hertford** has begun twice-weekly collection of garbage and trash with a new truck. . . **Warrenton** and **Statesville** have purchased new load packers. . . **Clinton** has decided to purchase a \$10,500 street sweeper. . . **Fuquay-Varina** has adopted a new ordinance regulating disposal of garbage and trash. The ordinance requires garbage to be placed in a covered, water-tight container of not more than 20-gallon capacity and placed at the rear entrance of the building. It provides for weekly collections.

Public Works Director Hugh Medford reported to a committee surveying **Greensboro's** sanitation problems

that the city's cost per capita for garbage and refuse collection is \$3.43. According to the report, **Charlotte's** cost is \$3.78, **Winston-Salem's** is \$3.79, **Raleigh's** is \$4.48, and **Durham's** is \$4.69. Greensboro collects refuse thrice-weekly, but collects from backyards only upon payment of additional fees. The report estimated backyard collections twice-weekly would raise the city's costs by \$100,000 a year.

Utilities

Roxboro hopes to have its new \$600,000 water treatment plant in operation by March 15. The plant will be able to process 3,000,000 gallons of water per day. . . **Waynesville** has completed plans for a new filtering plant and feed lines. . . **Statesville** has placed a new sewage pumping station in operation. . . **Durham** has received bids totaling \$639,500 for improvements to its three sewage disposal plants. . . **Madison's** aldermen have voted to increase the size of the pump supplying the town with water.

Work has begun on a \$1,250,000 water and sewer project for **North Wilkesboro** involving a new water plant and water and sewerage lines to unserved areas. . . **Newton** has begun installation of larger water mains to areas in which pressure has been low. . . The public works committee of the **Winston-Salem** Board of Aldermen has recommended that the city receive bids on nine major water and sewer projects, totaling an estimated \$805,000. . . **Franklin** and **Maiden** have approved sewerage extension projects.

Scotland Neck has raised its minimum water charge from \$1.00 to \$1.50 for 3,500 gallons per month and its sewer charge from \$.50 month to \$.75. The water rate increase was the first since 1932. . . **Maiden** has raised its sewer line service charge from \$.50 to \$1.00 per month. . . **Durham** has amended its sewer charge ordinance to provide that its \$100 monthly maximum charge shall apply to each of a firm's separate locations in the city, rather than to the total number of locations. . . **Winston-Salem** councilmen have amended their plumbing code to permit two existing buildings under the same ownership to tie into one sewer connection. Where more than two buildings under single ownership are to be served by a single connection, a private line must be constructed and maintained by the owner of the property. . .

Greensboro has employed consult-

ing engineers to study its waste disposal and water problems. . . **Winston-Salem, High Point, and Greensboro** are cooperating in efforts to secure a government-owned 17,000 acre plot on the Yadkin River as the site for a reservoir for their joint use. Studies by their planning departments indicate a potential water shortage by 1965 if such a measure is not taken. A number of industries have refused to locate in the area because of inadequate water, it is claimed.

Durham has begun an in-service training program for water and sewer department plant operators. Classes will be held twice monthly and will cover "all phases of problems connected with purification of water and waste, including theory, operational problems, and maintenance." All plant personnel will attend, with instructors coming both from among the city's personnel and from outside sources.

Lexington has applied to the state Utilities Commission for a certificate of convenience and necessity authorizing it to operate a natural gas distribution system. . . **Kings Mountain** and **Shelby** had filed earlier applications. . . **Waynesville** is renovating its electrical distribution system so as to double the voltage carried.

Fire Protection

Louisburg has adopted a policy cutting off fire service outside the town limits except in four cases: (a) to protect property inside town threatened by fire outside town, (b) to protect municipally-owned property outside town, (c) to aid adjoining towns, and (d) to protect property of individuals or corporations which have contracted in advance for such service. Contracts will be made with property owners within a five-mile radius of the town. Residences together with their outbuildings will be served for \$10 per year, while a charge of \$10 per year will be levied for each separate structure on business or industrial property.

Four Oaks' volunteer fire department has constructed a new truck, carrying an 800-gallon water tank. . . **Graham** has authorized an increase in the size of its volunteer fire department to 33 members, five of whom will be sent to Lansing, Michigan, for a five-day training course in the operation of the city's new fire truck.

Slum Clearance and Urban Redevelopment

Charlotte's Urban Redevelopment Commission has completed prelimin-

ary plans for its first two projects. The projects, which cover areas of approximately 8½ and 10 acres, respectively, would be redeveloped from their present substandard residential uses for warehouse, commercial, and light industrial purposes. The major portion of the city's contribution to the cost of redevelopment would be in the form of streets and water and sewer lines, with estimated cash grants of only \$46,000 by the city for the two projects. The Commission has asked the City Planning Board to designate two more project areas. Fifteen areas were designated by the board originally, but the Commission pointed out that designation has tended to depress values even when it cannot get around to the area for many years.

Public Housing

Wilson has created a Housing Authority, which has applied for a 500-unit project and a preliminary loan of \$150,000 from the federal government. . . **Winston-Salem** has received federal approval of its fourth housing project, a 244-unit development costing an estimated \$2,500,000. Construction of this project, which will be reserved for Negroes, will give the city a total of 1,085 public housing units.

Clinton has completed two new 35-unit public housing projects, one for each race. The total cost of the projects was approximately \$1,000,000. . . **Greensboro's** City Council has authorized its local Housing Authority to seek an additional 300 dwelling units for Negroes. The city now has 400 units for each race. . . **Wilson** is considering establishment of a local Housing Authority. . . Private developers in **Raleigh** have announced plans for three large housing developments to be constructed during the coming year.

Charlotte's Board of Realtors has received the 1952 Public Service Achievement Award of the National Association of Real Estate Boards' State Council for its work in support of the city's minimum housing standards ordinance. The slum clearance division of the city's Building Inspection Department has succeeded in bringing approximately 9,000 of the city's 37,000 dwelling units up to minimum standards in four years, while eliminating approximately 900 units which were beyond rehabilitation. Evidence of the plan's success are delegations from New Orleans and Miami which have come to Char-

(Continued on page 15)

The City Planning Board

What Should the City Council Expect of It?

Section 160-22 of the General Statutes provides that

"Every city and town in the state is authorized to create a board to be known as the Planning Board, whose duty it shall be [a] to make careful study of the resources, possibilities and needs of the city or town, particularly with respect to conditions which may be injurious to the public welfare or otherwise injurious, and [b] to make plans for the development of the municipality"

Some 50 or more North Carolina cities and towns have taken advantage of this authority and created Planning Boards. What should they be getting from these boards?

It is obvious from the statutory language that the primary duty of the Planning Board is to **gather facts** about its city and to **make plans** for that city. What kind of facts and plans? Those which the Mayor, the City Council, the City Manager, the City Engineer, the School Board, and other officials need to carry out their own duties intelligently.

No architect would design a hotel without knowing how many people it was to accommodate. No industrial firm would locate a new plant without estimating the availability of necessary raw materials and of markets. No businessman would order a new stock without first taking inventory of what he had on hand. Yet many cities make comparable decisions without a proper background of facts.

Running a city is big business. It can't be carried on by a series of spur-of-the-moment decisions. Public utilities systems are built with a life expectancy of 60 years or more. Street systems, once established, may last for centuries. School buildings live on, even though the residential neighborhoods they are to serve change into business districts. If there is no thinking ahead when such facilities are established, the city may waste hundreds of thousands of dollars.

How the Planning Board May Help

Here are some of the things a Planning Board should be able to do for the administrative and policy-making officials of its city:

By

Philip P. Green, Jr.
Assistant Director
Institute of Government

(1) **Land Use Information.** It should be able to lay before them a map showing just how every piece of land is being used at present, where water and sewer systems extend, where public schools and parks are located, what street rights-of-way are available. It should be able to tell them how much land is being used for residential, business, and industrial purposes. It should be able to tell them how much land will be necessary for the population anticipated in 20 years, where the best land for each purpose is located, and how the use of that land can be regulated so as to insure coordinated and harmonious development at the least expense to the city. It should assist in the preparation of a rational annexation program so as to head off, in advance, the "fringe area" problems which are plaguing cities all over the state.

(2) **Population Information.** It should be able to tell them what the population will probably be in 20 years, what the composition of that population will be, and where it will probably live in the city. [From this information the City Engineer can determine whether the capacity of the water plant will have to be increased, whether a new water supply should be sought, how to handle the sewage disposal problem. The School Board can decide what new schools will be needed and where, and it can start acquiring sites in advance of development. The Recreation Commission can decide what types of recreational facilities should be provided and where each should be located. The Fire Chief can determine the manner in which any new stations should be distributed so as to serve the city best.] It should be able to tell prospective industries the present and potential size of the working force.

(3) **Facts Concerning the Economy.** It should be able to point out any weaknesses in the city's economy, the resources available for strengthening and diversifying this economy, and concrete ways in which this might be

done. It should be able to forecast the increased needs for public facilities, dwelling units, etc., which will result from the location of a new industry in the community. It should be able to provide potential industries with necessary information concerning the city and its resources and assist in encouraging their location.

(4) **Parking and Traffic Information.** It should be able to tell the City Council to what extent down-town traffic congestion is harming the business district and forcing decentralization. It should know how much additional parking space is required and where it might be secured. It should know how much of the congestion is caused by through traffic which never stops inside the town and what the effects of a by-pass would be.

(5) **Housing Information.** It should be able to tell private developers the extent of the housing demand in the city and tell the City Council whether or not public housing seems warranted. It should be able to tell the Council the extent of any substandard areas and advise it as to ways in which those areas might be brought up to a decent level.

(6) **Coordination of Departmental Plans.** It should be able to help coordinate the plans of different city and state departments. It should be able to prevent a new school's being built in an area soon to be redeveloped for industrial purposes, a playground's being established in the path of a proposed major highway, a new housing project's being located so as to require construction of an otherwise unnecessary sewage pumping station at the expense of other projects.

Administrative Functions

In addition to providing facts and plans on which other city officials may act, the Planning Board should perform certain administrative functions in carrying its own plans into effect:

(1) it should prepare a **zoning ordinance** to guide private development, and it should screen all proposed amendments to that ordinance.

(2) It should review proposed **subdivision plats** to insure that the city will not later have to reshape the street system, install costly utilities,

or clean up conditions created by lots which are too small.

(3) It should help the City Manager and the City Council prepare a schedule of **capital improvements**, so that these improvements may be provided and financed in a business-like manner.

(4) It should review **proposed city projects** to determine their effects upon its plans, and then, if necessary, either revise its plans or recommend that the project plans be altered.

(5) In cities where Redevelopment Commissions have been established, it should make recommendations for redevelopment projects and review redevelopment proposals.

How to Carry Out These Functions

The techniques for doing these things are not mysterious. They are described in detail in many books which are available, including the Institute of Government's recent publications: **A Guidebook for City Planning Boards and Zoning in North Carolina**. All that is required is the time and effort of Planning Board members, assistance by city officials and civic groups, occasional assistance by consultants in specialized fields, and adequate appropriations to cover necessary expenses. With such an investment, the city may begin operating on a truly business-like basis.

New Construction

Cities Continue Building Programs

New City Halls

Two North Carolina towns recently completed handsome new town halls. **Hertford's** \$25,000 building contains offices for the police department, the town clerk, and the board of commissioners, while unfinished attic space has been adapted for the storage of town records. **Bethel's** new building houses the town clerk and board, the police department and jail, and a fire station for two trucks. One of the two trucks was recently bought by farmers in the neighborhood to provide rural fire protection, and the town agreed, when the truck was bought, to build a station for the truck. Rather than add to the old station, the board decided to build the new town hall at a cost of \$12,500.

Meanwhile **Oxford** is preparing to seek approval from the General Assembly for sale of its city hall, as a big step toward financing a new \$100,000 city hall next year. The old building is expected to bring around \$40,000 and the remainder will be made up from revenues already on hand for building purposes.

Public Works

North Wilkesboros' projected million and a quarter dollar water and sewer expansion and improvement program has been inaugurated by the acceptance of a bid of \$99,720 for the work constituting the first phase

of that program. The bid included the extension of two eight inch water mains, and one six inch water main, and the installation of a new sewer outfall. The program calls for the eventual construction of a new water plant and a new sewage disposal plant, with specifications for these additions to be prepared at a later date.

On November 1, 1952, **Winston-Salem** dedicated its new \$1,200,000 filtration plant to Richard Allen Thomas, for 18 years director of public works for the city, and for 33 years a member of the public works department. The new plant is part of a \$4,000,000 expansion program, authorized in 1949, which has provided Winston-Salem with a water supply system adequate to meet its estimated needs for many years to come, including an alternative supply pipeline to the Yadkin River to be used in the event that the present Lake Salem supply falls short of requirements. Further plans call for the expenditure of approximately \$3,000,000 more upon improvements in the distribution system, in order to provide proper water pressure for all parts of the city and for some suburban areas, such as Wake Forest College. Following the dedication ceremonies, the plant was thrown open to the public, and special tours were conducted to acquaint citizens with the new facilities.

The town of **Waynesville** has been authorized by its citizens in a special election held on November 8, 1952, to

New Officers Elected at 1952 N. C. League of Municipalities Meeting

The annual meeting of the N. C. League of Municipalities, held November 9, 10, and 11 in Raleigh, broke all records for attendance and stands as one of the most successful conventions for city officials in this state. Highlights of the meeting included addresses by Governor-elect William B. Umstead, Lieutenant-Governor-elect Luther Hodges, and a special session put on by the state's city planners on "Planning for Industrial Growth in Towns and Cities."

In the business sessions Mayor J. O. Talley of Fayetteville was elected president for 1952-53, succeeding City Manager Roy L. Williamson of Rocky Mount. Mayor J. Willard Hoffler of Wallace, City Manager H. L. Burdette of Hickory, and Mayor C. M. King of Shelby were elected first, second and third vice-presidents, respectively. The North Carolina City Managers Association, meeting during the convention, elected C. L. Lineback of Statesville as president and C. L. Barnhardt of New Bern, secretary.

The 1953 convention of the League of Municipalities will be held in Asheville on October 18, 19, and 20. The city managers will hold a midwinter session in Pinehurst on February 14 and 15.

proceed with the issuance and sale of \$300,000 in bonds to finance a badly needed expansion of the municipal water system. An acute water shortage during the past summer and a gradually diminishing water supply under existing facilities led a committee of civic leaders to campaign for an early election and the speedy initiation of an expansion program. Every civic group in town went on record in favor of the proposed expansion, and the bond issue was approved overwhelmingly by the electorate by a vote of 996 to 56. Work on the expansion program will be pushed as fast as practicable.

Social Security and State and Local Retirement In North Carolina

By

Donald B. Hayman

Assistant Director

Institute of Government

(This is a general summary of a study by the same name, made and published by the Institute of Government at the request of Brandon P. Hodges, State Treasurer of North Carolina).

Of the 95,931 state, county, and municipal employees in North Carolina, approximately 84 per cent belong to one of the 39 state or local retirement plans or are covered by Federal Old Age and Survivor's Insurance. Only 8,788 temporary or part-time state employees and 6,126 local employees are not covered under some plan.

North Carolina Retirement Plans

North Carolina retirement plans represent a small cross-section of the different retirement plans and theories which exist throughout the nation today. All varieties have been tried. Most plans seem to be sincere attempts to increase the effectiveness with which governmental policy is carried out without destroying employee initiative or responsibility.

Actuarial Systems

Approximately 76 per cent of all public employees belong to one or another of five joint-contributory, actuarially planned retirement funds. These funds—Teachers' and State Employees', Local Governmental Employees', Law Enforcement Officers', Forsyth County, and Winston-Salem funds—have increased in size and in benefits provided in the few years they have been established.

Inadequately Financed Systems

The other retirement plans may be divided into four groups: (1) local general employees' funds, (2) local law enforcement officers' funds, (3) local firemen's funds, and (4) local supplementary retirement plans. These local funds vary as to benefits paid and as to financial condition.

Two funds, the Charlotte Firemen's Retirement Fund and the Fayetteville Retirement Fund, have secured actuarial valuations in recent months. Both funds were warned that they must be revised drastically if bankruptcy is to be avoided. A number of local funds are in even worse financial condition than the Charlotte and Fayetteville funds. Nearly all local retirement plans need additional revenue if present benefits are to be continued. Unless steps are taken to secure the funds necessary to finance future benefits, local employees will be largely dependent upon future governing bodies to raise and appro-

priate the large sums necessary to pay future benefits.

Supplementary Plans

The five local retirement plans which have been established to supplement the benefits paid by the Local Governmental Employees' and the Law Enforcement Officers' retirement systems are also entirely dependent upon future local appropriations. Although they have been established as temporary measures to meet retirement needs not being met by the state-wide systems, the supplementary plans could prove extremely costly if continued permanently. As employees have no vested right to supplementary benefits financed exclusively by the employer, each city could discontinue benefit payments at any time that funds were unavailable.

Old Age and Survivor's Insurance (OASI)

The Old Age and Survivor's Insurance program has a slightly different objective from that of the other public retirement plans in North Carolina. Social Security is a general insurance program which insures each covered employee in order to protect him and his family from loss of income due to age or death. Benefits are designed to provide a minimum subsistence and have been changed with increases in the cost of living.

A total of 6,732 North Carolina city, county, and other local governmental employees were covered by OASI as of July 1, 1952. These employees represent 26 per cent of the local employees in North Carolina. They are the employees of 115 cities and towns, 44 counties, and 77 other local governmental units.

Advantages of OASI

Old Age and Survivor's Insurance has a number of features which are attractive to public employees and

governmental units in North Carolina. The principal advantages of OASI are

- (1) substantial retirement benefits at age 65,
- (2) wife's, husband's, or child's benefits,
- (3) survivor's benefits in case of death either before or after retirement,
- (4) inclusive coverage and freedom of movement,
- (5) low cost of contributions,
- (6) public employees 65 or over may be given retroactive coverage and retired immediately, and
- (7) women receive the same benefit payments as men.

The provisions of OASI which are most frequently mentioned are the substantial retirement benefits, the survivor's benefits in case of death, and the low cost of OASI to employees and employer.

Benefits of OASI

A public employee 65 years of age or older who was given retroactive coverage to January 1, 1951, would be eligible immediately for a primary benefit of

- (1) 55 per cent of the first \$100 of his average monthly salary, and
- (2) 15 per cent of the next \$200 of his average monthly salary.

If a public employee had a wife over 65, she might be eligible for a wife's benefit equal to one-half of the employee's benefit.

If an employee dies, his child, children, widow and children, or dependent parents may be eligible for benefits ranging from 75 to 250 per cent of the deceased employee's primary benefit. As of December, 1951, OASI was paying 37 per cent as many benefits to children as to retired employees.

Cost of OASI

Both employees and employing governmental units are now paying 1½ per cent of the first \$3,600 of the employee's salary to the OASI Trust Fund. The estimated cost of present OASI benefits is 5.85 per cent of payroll. To meet the ultimate cost of the present OASI program, OASI payroll taxes are scheduled to increase from the present rate to 2 per cent

in 1954, 2½ per cent in 1960, 3 per cent in 1965, and 3¼ per cent in 1970. As the original increase from 1 to 1½ per cent was postponed 10 years, no one knows whether these increases will actually occur as scheduled or not.

Proposed Changes in the Teachers' And State Employees' System

In spite of the many advantages of existing retirement systems and the progress which has been made, some problems exist. The following suggestions for revising the Teachers' and State Employees' Retirement System have been proposed by one or more employee associations.

- (1) Guaranteed minimum retirement allowance after 20 years of service.
- (2) Increased disability benefits.
- (3) State matching of employee contributions for the duration of employment or at least until 65.
- (4) Calculation of retirement annuity as of actual age at retirement. (The pension paid by the State is now calculated as though every employee retired at 60)
- (5) Contributions on all of salary, instead of first \$5,000.
- (6) Selection by employees of optional method of receiving retirement benefits at age 60.
- (7) Vesting of a reduced pension after 10 or 15 years.
- (8) Coverage of State employees under Social Security.
- (9) Re-establishment of the present retirement system as a supplementary retirement system providing larger disability benefits and guaranteeing that an employee's Social Security primary benefit and his allowance from the supplementary system will at least equal the allowance he would have received from the present system. Finance the supplementary system by 3 per cent employee contributions and smaller state appropriations.

As all public retirement plans represent a compromise between the hopes and wishes of interested groups, all suggested amendments must be considered in the light of the adequacy of the existing system and available funds.

Guaranteed Minimum Retirement Allowance

Arguments for a guaranteed minimum retirement allowance are not difficult to find. For example, 57 per

cent of all retired state employees have served more than 20 years and are receiving less than \$55 a month. The average service retirement allowance on June 30, 1951 was \$44.39. Of the two plans suggested, one plan will cost under \$300,000 the first year up to \$600,000 a year in ten years, and the other will cost \$450,000 to \$500,000 a year.

State Matching of Employee Contributions

The State does not match employee contributions after age 60 because in 1941 when the act was passed, the actuary advised that (1) teachers should be encouraged to retire at 60, and (2) retirement benefits would be too large for persons serving more than 30 or 35 years. At least 87 per cent of retired state employees would receive larger benefits if the State matched employee's contributions after age 60. The estimated annual cost of matching employee contributions to age 65 and calculating pensions according to age of retirement is approximately 1.8 per cent of payroll or \$2,356,107 for the General Fund for the 1953-54 fiscal year.

An estimated 2,331 state general fund employees are receiving more than \$5,000 a year. Salaries in excess of \$5,000 are calculated as \$3,103,824 for 1952-53. However, because the State would not assume any liability for wages paid to state employees over 60 years of age, the actuary has estimated that the additional cost could be absorbed by the system without any additional appropriation at this time.

Limitations of Law Enforcement Officers' Fund

The most common complaints made of the Law Enforcement Officer's Benefit and Retirement Fund are as follows:

- (1) Service and disability retirement allowances are inadequate.
- (2) Officers are not given full credit for service before 1940.
- (3) An officer can never retire on even a reduced service retirement allowance if he has less than 20 years of service.
- (4) Officers can not select optional method of receiving retirement allowances.
- (5) Receipts from court costs are inadequate to finance present benefits.

OASI Impractical for Officers Now

Although many law enforcement officers desire the survivor's benefits offered by Social Security, the pre-

sent requirements of the Social Security Act make it impractical to attempt to bring all members of the Law Enforcement Officers' Benefit and Retirement Fund under Social Security at this time.

Local Governmental Employees' Retirement System

To bring all employees belonging to the Local Governmental Employees' Retirement System under Social Security would require action by 77 different governmental and administrative subdivisions of North Carolina. Such a procedure would be impractical under the present requirements of the Social Security Act. However, the present Social Security Act would not prevent the Local Governmental Employees' Act from being amended to permit local employees now covered by Social Security from joining the Local Governmental Employees' system at a reduced contribution rate in order to obtain disability and supplementary retirement benefits.

Social Security: Substitute or Supplement?

Of the 47 million employees now in positions covered by Social Security, over 10 million also belong to private supplementary retirement systems. From the information available, it is evident that North Carolina private employees covered by OASI and private supplementary retirement funds are today receiving considerably larger retirement allowances than most public employees. Even though many public employees would receive larger retirement allowances if Social Security were substituted for their present retirement plan, the vast majority of state and local employees would probably prefer OASI as a supplement to their present system rather than as a substitute for their present retirement system.

OASI and Supplementary Plans

In order to determine the benefits provided and the cost of OASI and a supplementary retirement system, four supplementary plans have been studied. These plans include: (1) A combination of OASI and the present Teachers' and State Employees' system. (2) The Virginia plan which provides that employees pay 4 per cent of all salary over \$1,200 in addition to Social Security. (3) A combination of OASI and a 2½ per cent contribution plan similar to the present Teachers' and State Employees' system except that contributions are on all of salary. (4) A combination of OASI and a 3 per cent contribution plan similar to the Teachers' and

State Employees' System except that contributions are on all of salary.

Benefits From OASI and Supplementary Plans

Of 2,179 employees who retired before July 1, 1952, from the Teachers' and State Employees' Retirement System, 80 per cent would receive more from the Virginia plan, 98 per cent would receive larger benefits from the OASI and 2½ Per Cent Supplementary Retirement Plan, and 99 per cent would receive larger benefits from OASI and 3 Per Cent Supplementary Retirement Plan than from the present Teachers' and State Employees' System.

The average North Carolina state employee retiring during 1953 would receive 70 to 120 per cent larger retirement benefits from OASI and the 3 Per Cent Supplementary Retirement Plan than from the present Teachers' and State Employees' Retirement System.

Reduction in State Liability

If the General Assembly desired to substitute OASI and one of the supplementary plans for the present Teachers' and State Employees' system it would appear possible for the State to discontinue or reduce the present accrued liability payments. By bringing all employees under Social Security, the State could shift a large portion of the liability for prior service to the Old Age and Survivor's Insurance Fund.

Substantial Savings For

North Carolina

The State's General Fund might save up to \$41,003,567 during the next 10 years if the OASI and 3 Per Cent Supplementary Retirement Plan were substituted for the present Teachers' and State Employees' system. Even larger savings might be achieved if one of the other supplementary plans were adopted. The estimated cost of the OASI and 3 Per Cent Supplementary Plan would be slightly larger than the cost of the present plan after 1960 if OASI payroll taxes increase according to the present schedule established by Congress.

Retroactive Coverage

If state employees should be brought under Social Security, it would be desirable for them to secure retroactive coverage. Without retroactive coverage to January 1, 1951, employees working for the State would never be able to qualify for maximum OASI benefits.

In order to obtain retroactive cover-

age, it would be necessary for both the State and the employee to contribute 1½ per cent of his salary from January 1, 1951 to the date of coverage under Social Security. If state employees were brought under Social Security as of July 1, 1953, the retroactive contribution to be made from the State's General Fund plus interest at 6 per cent would be approximately \$4,800,000.

Limitations of OASI

The following are the principal limitations public employees and/or employing governmental units see in Social Security as a supplement to existing retirement systems:

- (1) Employees are encouraged to remain in service until 65.
- (2) Employees retiring before 65 may not qualify for maximum retirement benefits.
- (3) Employees retiring at extremely early ages during the next few years may not be able to qualify for OASI benefits.
- (4) OASI benefits are not paid during any month that a retired employee earns more than \$75 in covered employment (unless 75 years of age or older).
- (5) OASI survivor's benefits are not paid during any month that the survivor earns more than \$75 in covered employment.
- (6) Employees qualifying for two different benefits may receive the larger but not both benefits.
- (7) Benefit payments are not directly proportional to salary of service.
- (8) Benefit payments are not directly proportional to salary.
- (9) Contributions are not returned to persons leaving covered employment.
- (10) OASI does not provide an incentive for employees to remain with a particular employer.
- (11) OASI has no provision for disability retirement.

Another possible argument against coverage under Social Security at this time is the possibility that if the Social Security Act is amended to permit public employees belonging to a retirement system to be covered, public employees and governmental units covered at that time might not need to make a retroactive payment of 1½ per cent of salary to January 1, 1951, in order to qualify for maxi-

mum benefits. Of course, no one knows nor can predict if, when, or how the Social Security Act will be amended.

Employees Eligible For Social Security

Approximately 5,049 local employees and 8,788 part-time or temporary state employees in North Carolina are now eligible for Social Security. An estimated 82,094 state and local employees are not eligible for Social Security at this time because Section 218 (d) of the Social Security Act excludes public employees in positions covered by state or local retirement systems. These employees can only be brought under Social Security if (1) existing retirement systems are repealed or (2) Congress amends Section 218 (d) of the Social Security Act.

Six States Repeal Retirement Systems

Six states, Virginia, Mississippi, South Dakota, Utah, Arizona, and Oregon, have acted to permit some or all of their public employees who belonged to public retirement systems to be brought under Social Security. Virginia and Mississippi have abolished state-wide retirement systems, brought teachers and state employees under Social Security, and then established a supplementary retirement system for all teachers and state employees. The other four states have acted to provide Social Security as a substitute for existing systems.

Can the General Assembly Abolish Existing Retirement Systems?

The North Carolina Supreme Court has not yet been asked to decide if the North Carolina General Assembly can liquidate a retirement system in order to bring the member employees under Social Security. If they follow the line of reasoning suggested in their comments in *Dillion v. Hentz* or the decision of the Utah Supreme Court in a case on this exact point (*Hansen v. Public Employees Retirement System*), there is little doubt that they would hold such legislation constitutional if it protected the vested rights of active and retired members.

The typical North Carolina retirement fund could probably be liquidated if the General Assembly (1) repealed the enabling act, (2) established a reserve fund for continuing benefits to persons receiving or eligible for benefit payments, and (3) if employee contributions were either returned with accumulated interest,

(Continued on page 16)

The Attorney General Rules . . .

MUNICIPALITIES

Retirement System for Municipal Firemen. Does a municipality have the authority to set up, by ordinance, a system of retirement for municipal firemen?

To: Forrest C. Hall

(A. G.) In the absence of a public-local act, a municipality has no such authority. Under a general law, Article 3 of Chapter 128 of the General Statutes, counties and municipalities are authorized to set up a retirement system for all their employees.

Revenue Bonds for Municipal Gas Plant. Can a city issue revenue bonds under Article 34 of Chapter 160 of the General Statutes for the purchase of a municipal gas plant without submitting the purchase and the issuance of bonds to a vote of the people?

To: J. Roy Proctor

(A. G.) The Revenue Bond Act expressly includes in the purposes for which such bonds may be issued systems, plants, works, instrumentalities and properties used or useful in connection with the generation, production, transmission and distribution of gas (natural, artificial or mixed).

See G. S. 160-414 (2).

Revenue bonds payable solely out of the revenues of a municipality are not debts within the meaning of Article V, Section 4, of the Constitution. *WILLIAMSON v. HIGH POINT*, 213 N. C. 96. Therefore, revenue bonds issued under the Revenue Bond Act would not be subject to the debt limitation provision of the Constitution, and no vote would be necessary.

The purchase of the gas plant by the municipality would not have to be authorized by a vote of the people as G. S. 160-415 (a) specially authorizes the acquisition by purchase of any undertaking for which the revenue bonds could be issued.

COUNTIES

Attorney's Fees. Can a county pay the attorney's fees incurred by the sheriff in a suit against him in which his deputies were charged with the use of unnecessary force?

To: Thomas C. Hoyle

(A. G.) *ROPER v. TOWN OF LAURINBURG*, 90 N. C. 427, authorizes a municipal corporation to provide funds to employ counsel for its officers who may incur liability to others while engaged in the bona fide discharge of their duties. There would seem to be no material distinction between a county and a municipality, for while a county is not, in a strict legal sense a municipality, it does partake of the nature of a municipal corporation.

See G. S. 153-1 and the annotations thereunder.

Group Life Insurance. May county employees purchase group life insurance under a plan whereby the county and the employees share in the expense?

To: Wm. Clarence Klutz

(A. G.) Employees of counties and municipal corporations may purchase group life insurance only where the plan provides for the entire premium to be paid by such employees. Under the provisions of G. S. 58-254.4, county employees may purchase health and accident insurance in those cases where the plan provides that the employees pay all of the amount of the premium.

Appropriation to Civil Air Patrol.

Does a board of county commissioners have the authority to make a contribution or appropriation to the Civil Air Patrol for operation purposes and for the purchase of equipment?

To: J. C. Ellis

(A. G.) G. S. 153-11.1 authorizes the governing bodies of counties and municipalities, in their discretion, to appropriate from the general fund such funds as may be determined to be necessary to the support of "local organizations of official State and Federal governmental agencies engaged in the war effort." No such contributions shall be made as compensation to members of the boards of such agencies.

The authority of a governing body to make contributions to the Civil Air Patrol depends on whether or not this organization comes within those designated in the pertinent statute. I am of the opinion that the Civil Air Patrol comes within the purview of G. S. 153-11.1 and that the board of county commissioners has the authority to make contributions toward its support.

Liability for Hospital Bills of Prisoners. A municipal policeman inflicted injuries upon some prisoners. Is the county under any obligation to pay the hospital expenses that were incurred?

To: P. G. Cain

(A. G.) The county is under an obligation to pay the expenses. Since they were state prisoners charged with violations of the criminal laws of the state, a municipality cannot be charged with any of the cost incident to their arrest. See *BOARD OF EDUCATION v. HENDERSON*, 126 N. C. 689.

Liability for Hospital Bills of Indigents; Right to Reimbursement. A county welfare officer sent an indigent to the Memorial Hospital in Chapel Hill upon the advice of the physician at the county hospital. The bills for his treatment were presented to the county. Previously, the indigent had been declared mentally incompetent, and certain funds belonging to him were deposited with the clerk of Superior Court and are still in the clerk's hands. Is the county liable for the hospital bills and can the county proceed against the funds on deposit with the clerk?

To: T. G. Stem

(A. G.) Since the welfare depart-

ment certified the man as an indigent and as a proper case for treatment, the county is liable for these hospital bills. This liability stems from Article 13 of Chapter 153 of the General Statutes. Under G. S. 153-156 the county can proceed against the fund in the hands of the clerk in a special proceeding before the clerk. A guardian would have to be appointed for the indigent since he is mentally incompetent. This right of the county to proceed for reimbursement is in the nature of a private rather than a sovereign right and subject to the limitations incident to such rights. Therefore, such indigent or his guardian could claim the personal property exemption.

Bank as Fiscal Agent. One bank has been acting as county treasurer in Onslow County and the commissioners want to appoint an additional bank to serve in this capacity. Is the present bank the legal treasurer at this time; when does its term expire; and does the present board have the right to appoint another bank to act as joint treasurer?

To: Albert J. Ellis

(A. G.) Under G. S. 155-3, applicable to Onslow [and 21 other counties], upon compliance with the statute, the board of county commissioners have the authority to abolish the office of county treasurer and, when the office is abolished, the board is authorized, in lieu of a county treasurer, to appoint one or more solvent banks or trust companies, located in the county, as financial agent for the county, which bank or trust company shall perform the duties performed by the treasurer (or the sheriff as ex officio treasurer) of the county. The bank which is appointed shall serve for two years. Under the statute the office of county treasurer is abolished and the bank acts as fiscal agent of the county. The bank now serving the county is fiscal agent, not county treasurer.

Although the present bank is serving for a term of two years, the board of commissioners would have the right to name another bank or trust company to act as fiscal agent. This would not be in the nature of a joint service but each one would separately act as fiscal agent to the extent and in the manner required by the board of county commissioners.

REGISTER OF DEEDS

Assistants and deputies. May a register of deeds appoint an assistant or a deputy register of deeds who resides in an adjoining county?

To: J. Henry LeRoy

(A. G.) A deputy or an assistant register of deeds is a public officer, one of the qualifications of which is that he reside in the political subdivision which he serves. It would not be proper to appoint such a deputy or

assistant who is a non-resident of the county.

Withdrawal of Instrument from Registration. May a deed or other instrument be withdrawn from the office of the register of deeds after it has been filed for registration?

To: W. G. Massey

(A. G.) An instrument becomes a matter of public record at the moment it is effectively filed for registration in the office of the register of deeds. It may not thereafter be withdrawn from registration.

CLERK OF SUPERIOR COURT

Detainers. Where a person is completing a prison sentence for the commission of one crime, does a clerk of the Superior Court have authority under G. S. 15-10.1 to issue an order to hold the prisoner to answer another offense which is pending against him?

To: R. Brookes Peters, Jr.

(A. G.) G. S. 15-10.1 provides that a prisoner "may be held to account for any other charge pending against him only upon a written order from the court in which the charge originated upon a case regularly docketed." G. S. 1-7 provides that the word "court" may be construed to mean the clerk of the Superior Court for the purposes of the chapter entitled "Civil Procedure" unless otherwise specifically stated. However, G. S. 15-10.1 appears in the chapter entitled "Criminal Procedure" and is not affected by G. S. 1-7. Therefore, the word "court" as used in G. S. 15-10.1 means the judge, and this section does not authorize the issuance of a detainer by the clerk of the Superior Court.

Successor Trustees; Inventory and Annual and Final Accounts. Where the court accepts the resignation of a trustee in a private irrevocable trust agreement and the successor gives bond as provided in G. S. 36-17, is the successor trustee required to file an inventory and annual and final accounts in the office of Clerk of Superior Court?

To: J. P. Shore

(A. G.) G. S. 36-15 provides that no trustee or other fiduciary shall be allowed to resign his trust until he shall first file with the court his final account of the trust estate and until the court shall be satisfied that the account is true and correct. G. S. 36-18 provides that upon the acceptance by the court of the resignation of any trustee or other fiduciary and upon the appointment by the court of his successor, *the substitute trustee shall succeed to all the rights, powers, and privileges and shall be subject to all the duties, liabilities and responsibilities that were imposed upon the original trustee.* G. S. 28-53 requires trustees appointed in any will admitted to probate in this state into whose hands assets come under the provisions of the will to file in the office of the clerk inventories of assets and annual and final accounts thereof, such as are required of executors and administrators.

These statutes are broad enough to require the successor trustee to file an inventory and annual and final accounts in the office of the clerk of the Superior Court, to the same extent as is required of the original trustee.

COURTS

Appearance Bonds at Re-hearing.

A defendant charged with a felony has waived his right to a hearing before the recorder's court which has required him to post a \$1,000 appearance bond. Will the defendant be required to post a new appearance bond with the Superior Court or is the first bond continuing?

To: H. W. Height.

(A. G.) It is true that appearance bonds have been construed by the Supreme Court to be continuing bonds and to be accepted for the appearance of the defendant from time to time in the event the case is continued or a term of court is not held or circumstances of like nature. However, all of this type of continuance prevails in the court where the defendant was to appear, and there is no rule which makes a bond continuing where it is executed for the appearance of the defendant in one court and his case goes to another court. The sureties on the bond agree to be bound for his appearance in the recorder's court, but they do not agree to be bound for his appearance in the Superior Court.

Judgment of Banishment. A defendant was convicted in recorder's court for unlawful possession of non-tax-paid whisky. The following judgment was entered: "12 months in jail and assigned to work the roads as provided by law. Judgment suspended upon payment of \$100.00 fine and costs and upon the further condition that the defendant remain out of the county for two years. Capias and commitment to issue if defendant is found in the county after December 1, 1952." Is that portion of the judgment banishing the defendant from the county void where the defendant paid the fine and costs?

To: Croom H. Faircloth

(A. G.) If the judgment of the court can be construed as a judgment of banishment, it would be void. See *STATE v. HATLEY*, 110 N. C. 523. If that portion pertaining to leaving the county constitutes no part of the judgment but is merely a note or memorandum directing the clerk to postpone the period at which the sentence should go into execution, the judgment would be valid.

CRIMINAL PROCEDURE

Criminal Procedure; Allowance of Bail to Persons Arrested for Intoxication. Can a police department hold a person who is under the influence of alcohol until such time as he becomes sober, even though he is able to secure bail immediately?

To: J. V. Morgan

(A. G.) G. S. 15-47 provides that: "Upon the arrest, detention, or de-

privation of the liberties of any person by an officer in this state, with or without warrant, it shall be the duty of the officer making the arrest to immediately inform the person arrested of the charge against him, and it shall further be the duty of the officer making said arrest except in capital cases, to have bail fixed in a reasonable sum, and the person so arrested shall be permitted to give bail bond."

The statute should be strictly construed and is in some respects mandatory. Unless the defendant is in such a state of intoxication that his release would render him guilty of public intoxication immediately, so that therefore he would be committing a continuous offense, it would seem most advisable to take the defendant to the proper officer as soon as is reasonably possible. The responsibility of granting or denying bail because of defendant's intoxicated condition at that time would then properly fall upon the officer empowered to give bail.

SEARCH WARRANTS

Search Warrants; Seizing Bales of Cotton in Warehouse Under Search Warrant and Returning to Owner. Can a sheriff obtain a search warrant for stolen cotton stored in a warehouse, seize the cotton under the warrant, and turn it over to the lawful owner?

To: A. B. Fairley

(A. G.) A search warrant is in aid of a criminal prosecution, and it is not the proper process to obtain possession of articles of personal property in order to restore them to the true owner, as this is a civil matter. The true owner in this case should resort to civil proceedings to get possession of cotton which he contends he owns, and which cotton is in the custody and possession of other persons or corporations.

Assuming, however, that the cotton was seized under a valid search warrant and is used in court as evidence in aid of a criminal prosecution, it seems to be the custom of the courts to restore such stolen property to the rightful owner after the trial and without the necessity of civil action, if there is no dispute as to the ownership. If there is a dispute over ownership of property taken by search warrant, then a question is presented which must be determined in a civil action and cannot be determined in a criminal proceeding.

The warehouseman cannot refuse to return the cotton to the sheriff if it meets the description of the stolen cotton described in the search warrant. If the warehouseman thinks there has been a mistake and that the cotton has not been stolen, he has a right to resort to a civil action and institute a proceeding in claim and delivery for the return of the cotton to the warehouse. The good faith of the warehouseman in receiving the property from the thief, or from some innocent purchaser from the thief who deposited the cotton in the warehouse,

does not deprive the true owner of his legal title.

Arrest Warrants in Criminal Cases; Public Records. Are arrest records public records which must be made available to newspaper reporters?

To: A. L. Murr

(A. G.) Warrants issued for arrests in criminal cases constitute public records and would be open for inspection by any citizen during reasonable hours and at reasonable times. However, the police department would not be required to disclose copies of confidential communications and information which might be gained in making a criminal investigation.

Length of Time a Search Warrant Is Valid. How long is a search warrant for nontax-paid whisky or stolen property legal?

To: C. B. Sitterson

(A. G.) In view of the indefinite time in this state in which search warrants and other criminal warrants can be made returnable, search warrants should be made returnable within a reasonable time, and what is a reasonable time would have to be determined by the particular circumstances of each individual case. A search warrant for whisky should not be held too long because whisky can be transported away or be disposed of easily and removed to other places, and what is a reasonable time for the return of a search warrant for whisky would probably be much shorter than a reasonable time for a search warrant for gambling fixtures or other paraphernalia.

EVIDENCE

Competency of Evidence Obtained in a Search Incident to an Unlawful Arrest. Police officers procured a search warrant to search a building where it was suspected there were lottery tickets or other gambling devices. The officers searched and found no devices or lottery tickets, and the warrant itself did not authorize an arrest or person to be arrested. The officers searched the persons of some men who were present at the filling station and found some lottery tickets or materials or documents pertaining to lotteries which were illegal to possess. Is evidence obtained in this manner competent?

To: C. F. Burns

(A. G.) I assume this search warrant was issued under G. S. 15-35, which is the section dealing with search warrants for the discovery of lottery tickets or gambling devices. It does not appear that these men were guilty of any violation of law in the presence of the officers, and, therefore, there was no foundation for their arrest which would support a search of their persons as an incident to arrest. If a person is to be searched and things taken from his physical person, he must be named or described in the warrant. There are only two ways in which these men could have been legally searched, and they are: (1) under authority of a proper search warrant, or (2) in con-

nection with a legal arrest. You cannot justify an arrest by the search and at the same time justify the search by the arrest. The proviso in G. S. 15-27 that: "No facts discovered or evidence obtained without a legal search warrant in the course of any search made under conditions requiring the issuance of a search warrant shall be competent in evidence in the trial of any action," prohibits that use of this evidence.

LIQUOR LAW

Prima facie evidence of possession for sale. Officers execute a warrant to search the automobile of a person who is returning from an A. B. C. store to his home in a dry county, finding therein exactly one gallon of tax-paid whisky.

(1) Would this be sufficient evidence upon which to convict the person of possession for the purpose of sale?

(2) If the officers also searched the person's home and found less than a gallon there, would there be sufficient evidence to convict?

To: J. A. Turpin

(A. G.) The possession and transportation of exactly one gallon would not be sufficient evidence on which to base a conviction, but if some additional whisky was found in the defendant's home, this would establish a *prima facie* case of possession for the purpose of sale.

Possession in Clubs. In a dry county, officers search a private club and find tax-paid whisky in the private lockers of the individual members. May the club manager be indicted for unlawful possession?

To: H. W. Calloway

(A. G.) In a county which has not elected to come under the A. B. C. Act, it is unlawful to possess any whisky with the exception that tax-paid whisky may be possessed in a private dwelling for personal use and may be transported to such private dwelling in quantities not exceeding one gallon when the seals are not broken. Both the club manager and the individuals who owned the whisky may be indicted for unlawful possession of intoxicating liquor.

Non tax-paid Beer. (1) Is it unlawful to possess or transport beer in containers which do not bear evidence of payment of the North Carolina tax? (2) If such acts are unlawful, does G. S. 18-6 authorize the seizure and confiscation of the vehicle in which such beer is being transported?

To: E. C. Carnes

(A. G.) G. S. 18-6 authorizes the purchase, transportation and possession of 5% beer by individuals for their own use without restriction. This is modified by G. S. 18-81 and it is unlawful to possess or transport beer in containers to which North Carolina tax-paid crowns or lids have not been affixed, even for personal use.

A vehicle caught illegally transporting beer would be subject to the provisions of G. S. 18-6.

MOTOR VEHICLES

Second Offense of Drunken Driving. It has been argued that the Department of Motor Vehicles may not revoke a license for a second offense of drunken driving if the first offense occurred more than two years before the second. The basis of this argument is that the two-year statute of limitations is applicable and that after two years a second offense must be dealt with as a first offense. May the Department revoke for a second offense of drunken driving under these circumstances?

To: L. R. Fisher

(A. G.) The Department may revoke for a second offense. The statute of limitations applies to the period in which a prosecution for a misdemeanor must be begun, and it has nothing to do with the number of the offense.

Airplanes Using Highway. May airplanes use highways?

To: W. B. Lentz

(A. G.) There is no specific provision in the statutes regarding airplanes. However, G. S. 20-116 necessarily precludes the use of a highway by airplanes because it sets the maximum width of a vehicle at 96 inches. G. S. 20-119 authorizes the State Highway and Public Works Commission to grant special permits allowing applicants to move oversize vehicles on the highways. Under this provision the Commission has sometimes granted such a permit to airplanes used in the work of the Wildlife Commission or for crop dusting purposes. These permits have placed upon the applicants the duty of using due care and employing necessary watchmen to avoid injuries to other persons using the road.

Aiding and Abetting Drunken Driving. May a driver's license be revoked by the Department of Motor Vehicles on a conviction report showing conviction of aiding and abetting drunken driving?

To: L. R. Fisher

(A. G.) Yes, the Department should revoke the license just as though the licensee had actually been driving at the time of the offense. In STATE V. GIBBS, 227 N. C. 677, the court stated that one who aids and abets the commission of the crime of driving under the influence of intoxicating liquor is guilty as a principal.

SCHOOLS

School Bus Routes. Who has final authority in establishing school bus routes?

To: J. H. Haynes

(A. G.) G. S. 115-376 gives the power to fix school bus routes to the State Board of Education and provides that the power must be exercised in cooperation with the county superintendent of schools, the district school committee, and the district school principal. In case of dissatisfaction on the part of the district school committee, it may appeal to the county board of education, and the county board of education may

appeal to the State Board of Education.

Increase in Membership of Local School Committee. Can a county board of education increase the membership of a local school committee from three to five?

To: N. C. Dean

(A. G.) Yes, but not during the terms of the present three members. The increase may be made at the end of the present biennium when school committee members are appointed for the next biennium.

Condemnation of Church Property by County School Board. Does a county board of education have the power to condemn property owned by a church for school purposes?

To: W. Henry Overman

(A. G.) There seems to be no statute which exempts church property from the power of eminent domain.

Age of Admission. Is a child whose sixth birthday falls on October 2 eligible for enrollment in the public schools?

To: Paul Cooper

(A. G.) Yes. The statute (G. S. 115-371) requires that the child must be six years of age on or before October 1. The common law rule is that a person completes a year of living at the first moment of the day preceding the anniversary of his birth. Hence the child whose sixth birthday falls on October 2 is legally six years old on October 1.

School Which Child Required to Attend. Where there are two or more elementary schools in a single school district, does a parent have the right to send his child to the one he chooses?

To: W. T. Newton

(A. G.) The clear implication of sections 55 and 56 of Chapter 115 of the General Statutes is that the county board of education has the authority to assign children to one particular school within a district. A parent could not send a child to a school to which the child was not assigned unless the county board of education transferred the child to such school.

CRIMINAL LAW

Responsibility of Landlord for Instructing Tenant or Employee to Set Fire to Grasslands in Violation of G.S. 14-136 et seq. Who is legally responsible when an employer, overseer, foreman, or landlord instructs an employee or other tenant farmer to set fire to any woodland, grassland, brush pile, or other combustible material in violation of chapters 14-136, et seq., of the General Statutes of this state?

To: F. H. Claridge

(A. G.) A landlord or employer who instructed his tenant or employee to set fire to woodlands, grasslands, brush piles or other combustible material without following the statutory requirements would be subject to indictment for aiding and abetting in the commission of a felony or misdemeanor as the case may be.

Notes From Cities

(Continued from page 6)

lotte in recent weeks to inspect its operations.

Under a similar ordinance, Winston-Salem ordered 228 buildings brought up to minimum standards and 50 demolished in October.

Bus and Taxi Rates

On the heels of rate increases secured from the Utilities Commission by three public transportation companies have come rate increases for taxicabs in two North Carolina cities, emphasizing the fact that public transportation is costing the rider more while at the same time the owners of the businesses are having difficulty making ends meet.

Chief effect of the Utilities Commission ruling this year was to eliminate the sale of three tokens for twenty-five cents, to make the rate per ride a straight ten cents. Special rates for school children remain in effect. The increase applies to Duke Power Company franchises in Charlotte, Greensboro, Durham, Winston-Salem, Salisbury, Spencer, East Spencer, and High Point, to the Safe Bus Company franchise in Winston-Salem, and to the Safety Transit Company franchise in Rocky Mount. Financial reports disclose that these companies are now operating at a loss, and the relief granted this year may not be enough to produce a profit.

Despite the fact that cities have no control over bus rates, the problem is one of increasing importance. The city must consider the desirability of moderate rates and routes that will touch all parts of the city needing bus service. It also must recognize the necessity that the bus company operate at a profit. As costs increase, as more and more of the city population spreads to suburban areas, as bus routes lengthen and the number of passengers per route decreases, the problem is getting more complex and difficult to solve.

In contrast to regulation of bus fares, each city has the power to fix rates charged by taxicabs operating within the city with approval of the city. Since the war taxicab rates have been increased several times in the larger cities and the trend is contin-

uing. (See Popular Government, December, 1951). Recently rates in Charlotte were increased from 35c for the first mile to 45c for the first mile. The 10c charge for each additional half mile remains unchanged. And Durham has amended its ordinance to make meters compulsory and to set a rate of 40c for the first mile and 10c for each additional half mile, in place of the flat 60c rate formerly applicable within the city. A \$2 fare for five passengers to Duke Stadium for football games was retained in the new ordinance. Action on charges to be fixed for hauling luggage and other baggage has been postponed temporarily. The new rates become effective on January 15.

Certification of Sewage Plant Operators

A voluntary plan for the examination and certification of sewage and waste treatment works operators was adopted by the 32nd annual joint convention of the North Carolina Section of the American Water Works Association and the North Carolina Sewage and Industrial Waste Association meeting in Hendersonville on November 10th. The plan is sponsored by the Associations in cooperation with the Sanitary Engineering Division of the State Board of Health, the State Stream Sanitation Committee and the North Carolina League of Municipalities. All treatment works operators and others in the field of sewage or industrial waste treatment would be eligible to apply for examination under the plan, and certificates would be issued to each person taking the examination of Grades A, B, C and D on the basis of the examination results. Examinations would be administered by a board of examiners made up of seven members, including operators of public treatment works, operators of industrial treatment plants, superintendents or engineers of public sewerage departments, representatives of the State Board of Health, and representatives of the State Stream Sanitation Committee.

Personnel

Everett M. Schadt, of the School of Business Administration at the University of North Carolina, has been

appointed to replace the late R. M. Cooksey as City Manager of **Thomasville**. . . Richard M. Hobbs, formerly in the water and city planning departments in **Durham**, has been appointed administrative assistant to City Manager James M. Benson of **Wilmington**. . . Harold H. Burrows, chief of the Enfield volunteer fire department, has been appointed building inspector for the town. . . Eddice R. King has resigned as superintendent of the **Dunn** water and sewage plant to accept the position of superintendent of the **Goldensboro** city water plant. . . Joe Kayler has resigned as Assistant City Manager of **Gastonia** to enter private business. . . Alonza Bland has been appointed assistant superintendent of the **Ahoskie** water and sewer department. He formerly held the same position in **Williamston**.

Massey R. Pamplin, formerly lieutenant in the **Greensboro** police department, is now chief of police at **Laurinburg**. He succeeds Tom Davis, who is now chief of police in **Raleigh**. Chief Pamplin brings to the Laurinburg department his twelve years of experience in addition to specialized training at the FBI academy and the Northwestern Traffic Institute.

Police departments in North Carolina are demonstrating their awareness of the increasing importance of adequate training. In addition to numerous local programs designed to train rookies and to provide specialized training for more experienced officers, three departments have recently sent men to the Southern Police Institute at Louisville, Kentucky. The recent graduates are Detective Sergeant John R. Smith of **Raleigh**, Lieutenant Frank A. Swearngan of the **Mecklenburg County** police, and Detective Sergeant W. Boyd Murray of **Burlington**.

Chief of police James I. Waller of **Winston-Salem** has received the Mission Gold Seal of Progress Award for 1952 for the outstanding service of his department in youth activities, traffic control, and in combatting gambling and vice. The Award is made by the Mission, Texas, Chamber of Commerce in an effort to seek out one chief in each state for recognition of services. Chief Waller was selected by a committee headed by Chief W. C. Owens of **Elizabeth City**, who won the award in 1951.

The **Clinton** police department has received the second of two awards for traffic safety. The first award was presented by the American Automob-

ile Association, and the most recent was a Certificate of Achievement from the Highway Safety Division of the North Carolina Department of Motor Vehicles.

Miscellany

City Manager Tom Willis of **Newton** has inaugurated an equipment inventory system to check costs more closely. Detailed records will be kept of each of the city's 37 pieces of machinery, ranging from police cars to concrete mixers and power mowers, to show the amount of gas and oil it uses, the cost of parts and labor, and miles driven.

Wilson has adopted a new cow ordinance which prohibits the keeping of cattle within 300 feet of any residence, school, church, or place where meals are served. The health officer may also find a cow lot to be a nuisance on the basis that flies and offensive odors herefrom menace the health and welfare of the community. . . **Albemarle** has adopted an ordinance making it a misdemeanor to operate a show of any kind on Sunday. . . **Charlotte** has placed its civil defense administration in the city personnel department.

Durham will require metered taxicabs, beginning approximately March 15. Fares will be 40 cents for the first mile or fraction thereof, plus 10 cents for each additional half mile, together with a 10 cent charge for each two-minute waiting period requested by the passenger. A new trip will begin every time a passenger is put out of the cab at his destination. The new schedule of fares replaces a flat 60 cent charge for trips anywhere within the city.

Charlotte and **Durham** City Councils have been considering requests for increased bus service. . . **Albemarle** has approved a curtailment of bus service to unprofitable areas.

Greenville citizens have voted to adopt the council-manager form of government, effective May 5. . . The **Edenton** Town Council has adopted a policy that petitions and requests must be reported to the town clerk by noon on the Saturday preceding the Council's Tuesday night meetings. From these reports the clerk will prepare an agenda to be submitted to councilmen on Monday, for their consideration prior to the meeting.

Air conditioning is finding its way into city halls in the state. **Greens-**

boro installed air conditioning in the council chamber and courtroom this fall, while **Durham** has authorized preparation of plans for air conditioning the first and second floors of its city hall.

Newton has established a traffic court whereby the city clerk is authorized to accept payment of penalties for illegal parking. Penalties for overtime parking have been set at \$1, for other parking violations at \$1.50 for the first offense and \$3 for the second offense. A warrant will be issued for a third offense in any 12-month period.

Statesville is revamping its electrical distribution system and has placed two new automatic unit substations into effect as part of the program. The new substations will relieve the old substation of about fifty per cent of its load.

Winston-Salem followed up its annual budget with a mimeographed report summarizing the budget and adding comments on the appropriations made for each department. . . **Burlington** has issued a 16-page mimeographed report summarizing activities of the city during the fiscal year 1951-52.

Social Security And Retirement

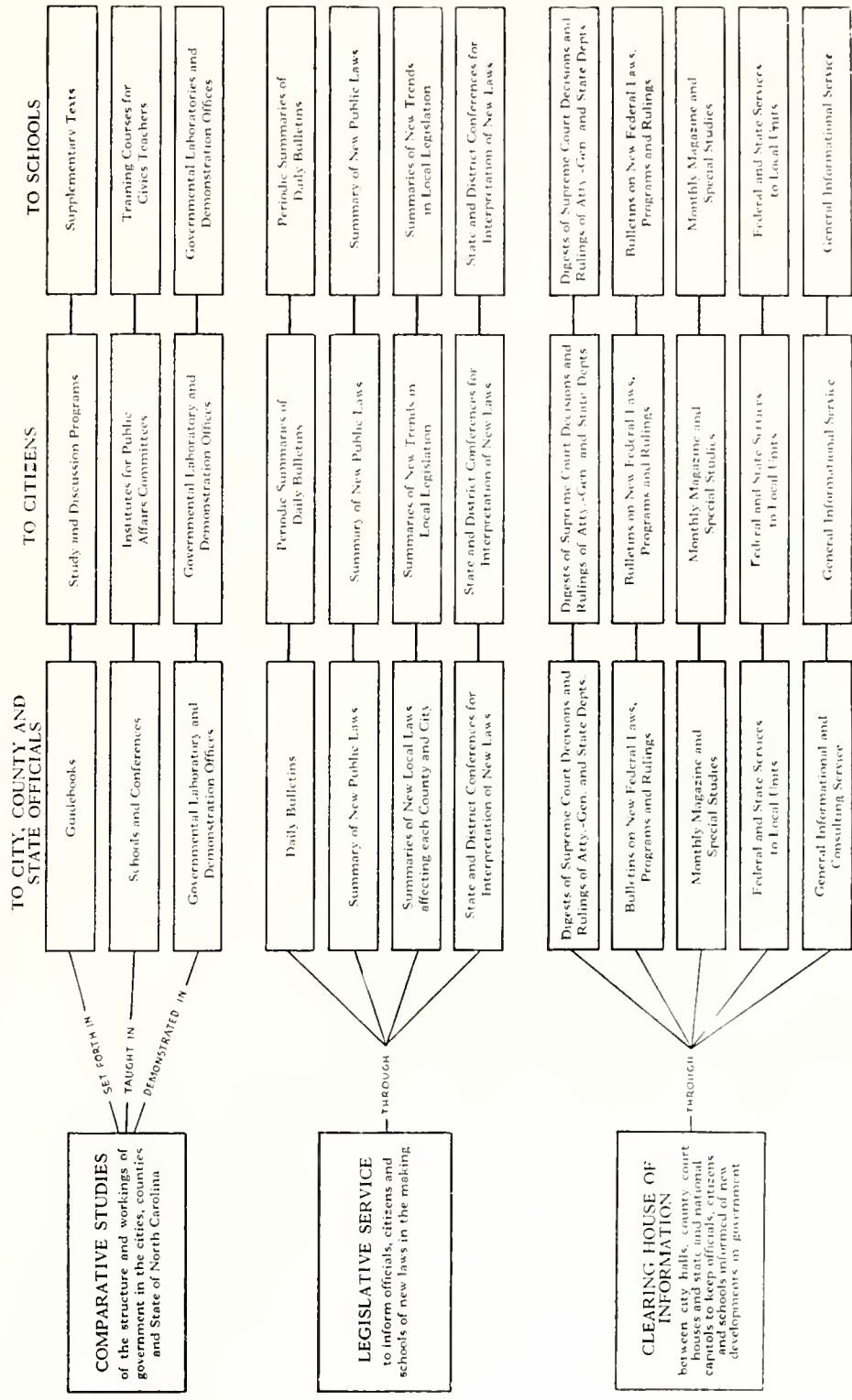
(Continued from page 11)

returned less contributions to Social Security for retroactive coverage, transferred at the employee's option to a new supplementary retirement system to be established, or held in a reserve fund until the employee requested them or qualified for retirement.

As North Carolina retirement systems vary, some local retirement acts could be liquidated by ordinance or resolution of the local governing body. Several other funds could be liquidated by a simple repeal of the local act as neither active nor retired members appear to have any vested rights to benefit payments.

The desirability of Old Age and Survivor's Insurance as a substitute for, or supplement to, existing retirement systems must be determined separately for each retirement system on the basis of the needs of the employees, the success of the present retirement plan, and the available funds.

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