

POPULAR GOVERNMENT

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Senator and Metropolitan Area Conference Officials

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United States Senator Sam J. Ervin (above, center) is flanked by Frank C. Moore, former Lieutenant Governor of New York and now president of the Government Affairs Foundation, New York, and Frank Bane, chairman of the Advisory Commission on Intergovernmental Relations. The occasion was a national seminar on "State Government and the Metropolitan Area" held at the Institute of Government's Knapp Building in Chapel Hill (see pp 5-12).

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Director of Prisons George W. Randall addresses recent Prison Department Training School graduation exercises at Institute of Government while the author, Lee Bounds, Assistant Director of the Institute who is in charge of In-Service Training for the Prisons Department, listens.



PRISON DEPARTMENT EXPANDS TRAINING PROGRAM

by **V. L. Bounds,**
Assistant Director, Institute of Government

The North Carolina Prison Department and the Institute of Government are working cooperatively in the development of a comprehensive in-service training program for personnel of the State Prison Service. This program provides basic training for all persons entering the custodial branch of the service, advanced training in their specialties for selected personnel, and a continuing schedule of courses keyed to different levels of responsibility in each area of prison work. Mr. George W. Randall, Director of Prisons, has asked for full implementation of this program as rapidly as possible.

The basic training program for custodial officers hinges around a series of instructor training courses. Experienced prison officers are nominated as instructor candidates by their superiors. Nominations are made with a view to the officer's potentialities both for learning and for teaching. Candidates approved by Colonel Robert A. Allen, Assistant Director for Custody, are

sent to the Institute of Government for a course of instruction covering the techniques of teaching as well as the subject matter they are to teach. Candidates who successfully complete the required course at the Institute of Government are certified as instructors in specified subjects to be taught custodial officers in the basic training conducted at designated units of the State Prison System.

Special Institute Courses

Special courses are being scheduled at the Institute of Government to provide advanced training for selected personnel of the Prison Department. A course will be given for each rank in the custodial service from sergeant through major; in addition to covering the management and technical skills required to perform properly the duties of that rank and the next higher one, these courses will be designed to develop human relations skills needed by all custodial supervisors.

Courses have also been scheduled at the Institute of Government for personnel involved in the administration of inmate rehabilitation programs. In addition to re-examining existing policies and formulating proposals for changes or additions in this area, the personnel attending these courses will consider such questions as why men become criminals, what can be done in prison to change anti-social attitudes, and how can every member of the prison service be made a participant in the programs aimed at restoring inmates to good citizenship. When appropriate these courses will include instruction in group and individual counselling techniques.

The process employed to develop and keep current a Prison Department Guidebook containing policies and procedures approved by the Prison Commission constitutes an important part of the personnel training program. The system was deliberately designed to provide an excellent type of in-service

training for supervisory personnel in every division of the Prison Department.

Guidebook Material

The research and writing services of the Institute of Government are employed to prepare a tentative draft of Guidebook material. This material is distributed to key personnel of the prison system for critical study. Each official receiving the material meets with his subordinates to discuss it and to elicit their ideas on the subject matter. An effort is made to give each employee an opportunity to express himself concerning Guidebook provisions covering his responsibilities.

After sufficient time has been allowed to permit careful scrutiny and full discussion of material issued in tentative form, a meeting is held at the Institute of Government attended by about 100 key prison officials. At this meeting the fruits of the discussions in the field are gathered. Corrections in the tentative draft are made to reflect the best thinking of all concerned. The corrected draft is submitted to the Prison Commission for study. After making any corrections that they deem necessary, the Commission formally approves of the policy proposals.

Approved policies are inserted in the proper place in the looseleaf Guidebook at a meeting of key personnel held at the Institute of Government. Here any changes made in the tentative draft by the Prison Commission are explained. Officers receiving the new material are required to hold similar instructional sessions with their subordinates so as to assure that all employees affected are fully informed about and understand established policies and procedures.

Basic Texts and Source Books

The Prison Department Guidebook is itself an authoritative text; it is also a source book for other training material. Training manuals prepared or edited by the Institute of Government and approved by the Prison Department are used as basic texts both for the instructors' training courses and the special courses conducted at the Institute and for the training courses conducted at designated prison units by prison officers certified as instructors. Supplementary instructional material, including training films and other visual aids, prepared or selected by the Institute of Government and/or the Prison Department and approved by both are used in the training programs in accordance with principles and procedures taught in the instructors' courses.

In an address delivered at a training session for supervisory personnel of the State Prison Department on February 22, 1961, Governor Terry Sanford praised the Prison Department's programs for policy formulation and in-service training. He also expressed his full confidence in Director George W. Randall, Colonel Robert A. Allen, and all of their assistants. He pledged his support for their programs and declared that he wanted and expected the loyal and enthusiastic support of all prison supervisory personnel. The full text of the Governor's speech is set forth on page opposite.



Captain M. L. Stallings is congratulated on receiving certificate at Prison Training School exercises. Left to right: Neal Forney, Assistant Director of the Institute of Government and instructor in self-defense and disarming tactics; Capt Stallings; Prisons Director Randall; Lee Bounds.

Sgts. Jerry Thomas Cole and Howard O. Cox, State Prison Department, practice defensive tactics at training school.



GOVERNOR COMMENDS PRISON DEPARTMENT LEADERSHIP

SANFORD ADDRESS CALLS FOR CONTINUED PROGRESS

We live in an age of rapid change and rousing challenge in every area of human endeavor. These are times when the slow and the sleepy are likely to be swept aside by the rush of progress. Foolish indeed are those who try to oppose the force of forward movement in government service. We need today as never before creative leaders anxious and able to keep abreast the scientists and the scholars as they push back the frontiers of ignorance and discover new and better ways of dealing with old and unsolved problems.

The problem of the criminal has plagued society since Eve ate the apple and Cain killed Abel. The problem has been passed down man's successive generations to our own. While there may be little hope that we can solve the total problem, there is much promise for significant progress in the rapid rate at which man is gaining new insights into the mysteries of human behavior and developing new tools and skills for influencing human conduct.

Our growing knowledge about human behavior and about the science of government creates a constant challenge for prudent and purposeful changes in the way the convicted offender is handled. I believe you prison officials have the courage and the competence to meet that challenge.

I am favorably impressed by the process devised to develop and distribute prison policies. I like the way the combined experience and practical judgment of your officials charged with executing policies are brought to bear on the results of the research of the Institute of Government. This process should assure that your policies not only reflect the best thinking of the foremost penologists and prison administrators in this and other nations, but also express the consensus of the leaders in your department as to what is suitable for the North Carolina Prison System at the time a policy is adopted.

All of you occupy positions of leadership in the State Prison Service. You are expected to have ideas about ways to improve prison administration. The process followed in the formulation of prison policy affords you an opportunity to make your views known. If they do not prevail against opposing views of other leaders in the Service, you must accept the results of the policy-making process as you must accept the results of any other process duly established for making law binding upon you.

Nor is it enough if you merely refrain from violating prison policies. As leaders you should see that your subordinates understand and carry out the policy provisions pertaining to them. You should set an example of personal rectitude and of enthusiastic loyalty to the State Prison Service in general and to your superior officers in particular. You should insist upon that example being followed by your subordinates. I am supporting George Randall, Robert Allen, and all their assistants. I have full confidence in them. I expect to support their programs and I expect and am counting on your support.

The policies placed in the Prison Department Guidebook provide you with a standard below which you and your subordinates must not fall. These standards are not static. They are and should be subject to change as altered conditions and new discoveries or better thinking make higher standards attainable. You should seek to exert the creative leadership needed to lift these standards higher, and you should be ever ready to receive and enthusiastically implement new policies as representing progress for the Service of which you are a leading member.

Your policy-making process is itself one of the most effective in-service training devices now being used in State government. But I am pleased to learn that the Prison De-

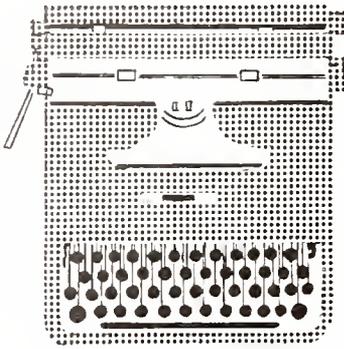
partment and the Institute of Government are also cooperatively developing basic, advanced, and specialized training courses for prison personnel at all levels. By earnest participation in this training, I am certain any present member of the State Prison Service can keep his personal development up with the inevitable increase in the demands for higher competence as you approach the goal of a professionalized career service.

The need for better trained prison officers is bound to increase as greater use of probation, parole, and other dispositions for the less serious and less troublesome offenders leaves you with a higher percentage of serious offenders and problem cases. This change in the nature of your prison population will of course call for even greater concern for custody, which must ever be the paramount consideration in prison administration. But increased difficulty must not result in discouragement and disillusionment respecting the usefulness of your efforts to rehabilitate offenders committed to the State Prison System. In addition to carrying out the sentence of the court by keeping those offenders safely in custody until released by law, you must help them in every way possible to prepare themselves for a law-abiding life after their release.

You now have a number of excellent rehabilitation programs operating in the State Prison System. The commendable achievements of the Alcoholic Anonymous program clearly warrant expansion of this and development of other programs to treat the alcoholics who will return to prison again and again unless they receive the help they need. My belief in the importance of education includes a convictior that a program for educating prison inmates is demonstrably worthwhile; I am favorably impressed by what has been done and I am pleased with the plans for further expansion of your inmate educational program. Closely tied in with this program is your program for developing prison enterprises that will provide inmates with constructive employment that has training value. Your classification, recreation, job placement, work release, medical, and religious programs also have my enthusiastic support and they should have yours.

There is but one State Prison Service. You may be a member of the custodial, rehabilitation, business, enterprise, or construction and maintenance division, but you are still a member of a single Service, one Department, one team. You have differing degrees of responsibility for particular phases of prison operations but each of you is vitally concerned with every phase. Working together you have the strength of a united effort. You will need all the strength you can gather to support the weight of your increasing responsibilities.

From all that I have been able to learn, both first and second hand, prison personnel generally have been hard-working, loyal, intelligent, and honest members of an organization that is determined to be second to none in the performance of its responsibilities. I like the spirit with which you are pressing forward. And I am determined that the public confidence won by the work of the able and loyal and honest members who make up the large majority of the State Prison Service shall not be lost by the laxity or the weakness or the ineptitude of the incompetent, disloyal, or dishonest few. Furthermore, I believe that the generally high level of efficiency and loyalty that characterizes the State Prison Service calls for the kind of attention to your Department's budget proposals that should result in favorable action by the General Assembly. You will have my support; give me yours.



● NOTES FROM . . .

CITIES AND COUNTIES

COUNTIES

Mecklenburg County's soon-to-be-completed \$2 million office building still doesn't have a name. At a recent meeting of the board of commissioners, one commissioner suggested that it be named after Chairman Sid McAden, a veteran of 21 years on the board. "I appreciate it, but no," he stated, as his face flushed with embarrassment. The commissioners decided to put off naming the building until a later date.

Dare County Commissioners have opened bids on the construction of a proposed bulkhead at Stumpy Point, designed to protect that community from flooding and erosion.

Forsyth County commissioners have voted unanimously to hire a county manager. The salary range set for the job was \$9,600 to \$15,000 per year.

A former candidate for constable has sued **Richmond** County for \$50,000 for damages he allegedly received while a prisoner in the county jail last summer.

The "tricky" aisles in **Cabarrus** County's courtroom have been raised to the level of the floor beneath the seats recently. The slightly elevated seating area, giving rise to a "sunken" aisle, has caused more than its share of hard falls.

Mecklenburg's County commissioners have voted to work overtime in the future — without pay. Hereafter, commissioners will meet for an hour each week prior to their regular meeting time for informal discussions of the meeting topics.

Elmer Ricks Daniel of **Spring Hope** is the newly-installed director of Civil Defense for **Rocky Mount**, and **Nash** and **Edgecombe** Counties. The three-unit setup was reactivated recently.

Amos L. Capps, Chairman of the **Warren** Board of County Commissioners, has been entrusted by his fellow county commissioners with appointing a committee to plan a celebration of the Confederate Centennial for the county.

The **Mecklenburg** Board of County

Commissioners has approved a contract and appropriated funds for heating the county jail.

Charles H. Edwards of **Lewiston** has been appointed to the **Bertie** County Board of Commissioners to fill the unexpired term of the late T.N. Peele. The new commissioner will represent the townships of **Woodville** and **Roxobel**.

Carteret County commissioners unanimously adopted a hurricane building code drafted by the county planning commission. The code is designed not only as a protection to property owners, but also to encourage insurance companies to resume their coverage in the Carteret area.

The **Surry** County jail has become the responsibility of the sheriff's department. The State General Assembly early in March passed a special bill which repealed an act of 1937 which made the operation of the jail a responsibility of the county commissioners.

A \$160,000 National Guard Armory for **Henderson** County has been assured through the cooperation of federal and local governments and the local American Legion Post. City and county governments will contribute about \$10,000 each toward the construction. The site was donated by the American Legion.

Cleveland County commissioners have voted to spend \$22,500 for the establishment of a mental hygiene clinic, the funds to be matched by the federal government.

R.M. Fountain of **Tarboro** has been elected chairman of the **Edgecombe** County Board of Commissioners, replacing Wiley Meares who resigned the chairmanship due to illness, but who will continue to serve as a member of the board.

Caswell County Sheriff Frank Daniel will add a new deputy to his staff to serve the Anderson and Stoney Creek townships and help patrol the **Yanceyville** area.

All of **Wayne** County's 22 volunteer fire departments met State Insurance

Rating Bureau requirements for covering four instead of three mile radii last year. The result is that all area bordering the city limits of **Goldboro** is "protected" with the exception of one small section west of the city on Highway 70.

Johnston County Commissioners have established uniform office hours for all county agencies: 8:30 a.m. to 5 p.m. Monday through Friday, and 8:30 a.m. to 12 noon Saturday.

Dr. W.A. Browne, **Edgecombe** County health officer since 1951, has resigned to accept a similar position as area health officer for Beaufort and Craven Counties.

Onslow County commissioners have named Emory Winberry to succeed Leo Lanier as county tax collector.

Wake County's board of commissioners has agreed to the alteration of several township lines to conform to changes recently made when several areas were annexed into the city of Raleigh. The action will reduce the size of certain townships and make them coterminous with the city limits, but will not affect present school district lines.

Johnston County Commissioners have voted to purchase the "Broadhurst" site near the old County Hospital. They plan to erect a county agriculture building on the property.

Rockingham County commissioners have awarded an \$83,000 contract for a countywide revaluation project.

CITIES AND TOWNS

Wilmington's City Council has voted to accept the state's offer to construct a \$10-million-plus medium-level drawbridge over the Cape Fear River. The city had hoped for a \$17 million high-level bridge instead.

Newport Town Commissioners have voted unanimously to issue bonds in the amount of \$20,000 in order to complete construction of the new town hall and fire station.

(continued on page 14)



Left to right: Frank Bane, Chairman of the Advisory Commission on Intergovernmental Relations; Governor Luther H. Hodges of North Carolina; Robert E. Giles, administrative assistant to Governor Hodges. This picture was snapped in course of National Seminar on State and urban problems at Institute of Government. Hodges is now Secretary of Commerce, Giles is the general counsel for the Commerce Department.

PROBLEMS OF STATE GOVERNMENT AND THE METROPOLITAN AREA

NATIONAL SEMINAR AT INSTITUTE STUDIES URBAN GROWTH AND NORTH CAROLINA SOLUTIONS

North Carolina's emerging metropolitan areas received the benefit of a close examination by outstanding national authorities recently at a special seminar on "State Government and the Metropolitan Area" held at the Institute of Government. Their consensus: the Tar Heel state is well out in front of most states in the nation in anticipating and heading off problems resulting from rapid urban development, but it must not let down its guard at this critical time.

Jointly sponsored by the Advisory Commission on Intergovernmental Relations and the State of North Carolina, the seminar brought together 14 outside experts designated by the Commission and 30 North Carolina representatives invited by Governor Luther H. Hodges

for three days' discussion of a broad range of problems. The seminar was the first of a series of conferences to be held by the Advisory Commission at various locations around the country.

The major purpose of the seminar, from the standpoint of the Advisory Commission, was to examine various "solutions" which have been put forward for metropolitan area problems in light of the experience under the governmental and legal framework of a particular state. The reasons for selection of North Carolina as the site of the first such seminar are set forth elsewhere in this article.

Scope of the Conference

The opening session was devoted to an exposition of the structure of state

by Philip Green, Jr.
Assistant Director
Institute of Government

and local government in North Carolina, the statutory powers and duties which have been given to local units, and the nature of the major metropolitan areas of the state (the Research Triangle Area; the "Five Cities Area" of Greensboro, High Point, Winston-Salem, Thomasville, and Lexington; and the Charlotte area). The discussion then turned to an extensive consideration of a series of proposals:

(1) Should legislation be enacted to authorize any interested metropolitan areas to form a charter commission, and if so, what should be the scope of its power?

(2) Should legislation be enacted to enable the establishment of metropolitan-wide "authorities" to furnish services such as water supply and sewage disposal?

(3) Should powers of the county government be increased so as to permit the counties to take over responsibility from their cities for functions having a county-wide impact?

(4) Should statewide legislation be enacted providing for city-county consolidation?

(5) What sorts of controls should the state government use to insure that local governments take necessary actions to meet metropolitan area problems?

(6) To what extent should the state government take a hand in equalizing tax burdens within metropolitan areas?

(7) Should there be established in the state government an Office of Metropolitan Area Affairs to provide professional advice and assistance to local governmental units?

(8) In what ways does North Carolina differ from the national pattern of metropolitan area development? What North Carolina solutions are relevant to other states facing somewhat different problems?

(9) What conclusions can be drawn on ways to improve metropolitan area government?

North Carolina's Present Situation

In the background discussion on North Carolina's present situation, it was pointed out that the state's metropolitan areas are, for the most part, "emerging" rather than "in being" areas. They still have relatively "clean" governmental structures, consisting of large cities more or less centered in a county, without the confused mass of overlapping small towns, special districts, authorities, etc., found in the metropolitan areas elsewhere.

The grant of extraterritorial powers to cities, the ability to annex surrounding areas with relatively little difficulty when development warrants, the smooth



Engrossed participants include, left to right, John Behout, former Director, New York State Commission on the Constitutional Convention and now at Rutgers University; Frank C. Moore, president, Government Affairs Foundation, New York; William Cassella, National Municipal League; Allen Manvel, chief, Governments Division, U.S. Bureau of the Census; and William J. Veeder, Charlotte city manager.



Close attention is given the proceedings by Cassella; Manvel; William G. Colman, executive director, Advisory Commission on Intergovernmental Relations; and Veeder.

Leading North Carolina city and county officials participated in seminar. Here are, left, to right, Winston-Salem city attorney William F. Womble, Chairman Gaither Jenkins of the Winston-Salem-Forsyth County Planning Commission, and Albert Coates, Director of the Institute of Government.





Frank Bane, chairman of the Advisory Commission on Intergovernmental Relations, addresses Seminar. Listening is North Carolina's senior United States Senator Sam J. Ervin.

transfer of functions from cities to counties, the fairly broad powers which have been given for city, county, and regional planning, the latitude which statutes have given local governments for joint and cooperative solutions to particular local problems, the flexibility inherent in North Carolina's "special-act" approach to the grant of powers to her cities and counties—All were pointed to as desirable features in our governmental structure. Special note was taken of the state's important role in the financing of schools and highways, which has enabled local government units to handle other problems without the crushing financial demands which otherwise would result from these functions.

The major problems which confront North Carolina's metropolitan areas today, according to seminar participants, are (a) provision of region-wide water systems with capacities to handle the needs of a fast-growing population, (b) provision of large-scale sewage disposal systems, sufficient to prevent further pollution of our streams, and (c) financing of the new major thoroughfares needed in most of our large cities.

Metropolitan Charter Commissions

Although pessimism was expressed by some of the outside experts as to the feasibility of establishing charter commissions for most existing metropolitan areas around the country, it was agreed that this was an appropriate mechanism for the areas which have any real opportunity to create a new governmental structure. The Durham City-County Charter Commission which functioned during the 1959-61 biennium was point-

WHY NORTH CAROLINA WAS SELECTED

Why was North Carolina, which as yet has no great metropolitan centers like New York City or Los Angeles, selected as the site for the first conference on metropolitan problems?

As explained by Frank Bane, chairman of the Advisory Commission on Intergovernmental Relations, the idea had its inception in a conversation he had with Governor Hodges at the Governors' Conference last summer. When he told the Governor of the Commission's interest in helping solve metropolitan area problems, he was impressed with the Governor's description of the measures which have been taken by North Carolina to avoid such problems.

The Commission thereupon decided to treat North Carolina as a pilot project for a nationwide study, for the following reasons:

"(1) The state's nationally recognized success in bringing industry into an agricultural economy.

"(2) The absence of already existing large metropolitan areas with all their history of conflict and error.

"(3) The willingness on the part of the state and its people to experiment with new solutions to governmental problems, as evidenced by the assumption of responsibility by the state government for financing highways and schools.

"(4) The active participation of the University of North Carolina, particularly through the Institute of Government, in the promotion of effective state and local government.

"(5) The presence of a distinguished and able Governor, the Hon. Luther Hodges."



W. E. Easterling, executive secretary of the North Carolina Local Government Commission, talks at Seminar session.



Relaxed and smiling moment between sessions finds Senator Ervin with Raleigh Mayor William G. Enloe, president of the N.C. League of Municipalities.



Group at buffet includes, left to right, State Senator J. Spence Bell, Charlotte; Veeder; and Guilford County manager J. Harry Weatherly.

Left to right: the late Meyer Kestbaum, chairman of former Commission on Intergovernmental Relations; Bane; and Professor James K. Pollock, vice-chairman, Advisory Commission in Intergovernmental Relations in midst of serious discussion.



ed to as an example of such a commission.

The functions of such a commission would be to work with citizens and officials of existing governmental units in an effort to construct a governmental framework appropriate to the area. This framework would be embodied in a charter for a new governmental unit. It was felt that this job has to be done on a "piecework" rather than "assembly line" basis, with each such area receiving individual attention, because of wide differences among metropolitan areas with respect to history, present governmental structure, social and political patterns, and similar factors.

The composition of the charter commission was stressed as a key factor in any success which may be achieved. If it does not include adequate representation of all major elements in the community, its proposals are very apt to be doomed from the start.

One outside speaker felt that creation of a new governmental unit, consolidation of existing governments, or major annexations by key cities in most of the very large metropolitan areas around the country are impossible of attainment. He suggested that about the best that can be hoped for in these areas is improved coordination among the various governmental units involved.

Authorities

In discussing the possibility of forming public "authorities" to provide certain area-wide services (such as water supply and sewage disposal) within metropolitan areas, the outside experts expressed strong reservations. They pointed out that customarily authorities are responsible for building and operating only revenue-producing facilities (water or sewerage systems, airports, toll bridges) and can finance these facilities without recourse to other governmental units. Their governing boards are frequently appointed, rather than elected, and some are self-perpetuating. In these circumstances, some authorities have become exceedingly autocratic and unresponsive to public needs, have "fragmented" the government operation by dealing with only one or two governmental functions dissociated from an overall context, and have on occasion taken over the profitable operations of government and left the "red-ink" activities to regular governmental units.

On the other hand, the authority can concentrate on doing a single job expeditiously. It is a mean of crossing governmental boundary lines where needs extend across such lines (and is prob-

ably the only practical means of handling many interstate problems). It permits the joinder of resources of several governmental units in providing adequate financing for large projects. It is a separate governmental unit, free from the debt limitations of other units. And it is possible to create authorities in such a manner as to make them more responsible to elected officials and to the public, as is demonstrated by the various authorities which have been established in North Carolina.

Increase in County Powers

There was some debate among the out-of-state participants as to whether an increase in the powers of county governments or an increase in the jurisdiction of city governments was the better approach to handle large-area problems. One expert pointed out that in Alaska's new governmental set-up there are no cities, only counties. It was pointed out that counties have broader territorial jurisdiction than most other local governmental units, have politically accountable governing boards, have area-wide representation, have a long history and tradition, have broad tax bases, and are local subdivisions of the state. On these bases, a possible solution to metropolitan problems would be transfer of functions from the municipalities to the county.

On the other hand, it was pointed out that county governments have difficulty in providing equitable financing of services when parts of their area are rural and parts are urban. If there is a requirement of uniform taxation, it may not be possible to pay for the higher level of services required by urban areas without discriminating against rural residents. Furthermore, most county governments are not centralized in the same degree as municipal governments, which means that they are not prepared to administer efficiently the services presently performed by municipalities. The proponent of this viewpoint thought that a better solution to metropolitan problems would be annexation by the central city of areas which have developed in an urban manner.

Most of the North Carolina participants took a middle position, urging that cooperation between our present city and county governments, with transfers of functions to the county when needs become area-wide, would produce the best end results.

Out-of-state participants noted that in many metropolitan areas around the country the municipal governments are controlled by one party and the county governments by another. Where this occurs, cooperation is especially difficult.



Veeder and Weatherly talk over matters of mutual interest.



North Carolina's State Treasurer Edwin Gill praises Coates and Institute during speech before Seminar.

Chairman Bane introduces Governor Luther H. Hodges of North Carolina.



City-County Consolidation

Out-of-state participants were especially interested in the effort to consolidate the city and county governments of Durham, as proposed by the Durham City-County Charter Commission. (This effort was subsequently soundly defeated by the voters of Durham on January 28, 1961.) All agreed that such consolidation should not be attempted on the basis of a statewide law, rather that each area should work out its own solution if such a consolidation were attempted.

State Government Controls

Numbers of suggestions were put forth in answer to the question of what controls the state government should exert in order to insure that local governmental units face up to metropolitan area problems. It was urged that a prime need is the adoption by state governments of well-defined positions on such matters as (a) land use policy, (b) the allocation and use of water resources, (c) the development of public facilities and recreation areas, etc., so that their local governments will have a framework in which to plan their own actions. A second suggestion was that the state legislature establish a mechanism through which it can continuously "audit" the functioning of local governments, so that it can respond to needs as they arise. A third suggestion was that the state provide technical assistance of various types to local governmental units. A general suggestion was that the state government first put its own house in order, after which it should concentrate on setting standards for itself and its local units to meet. All possible measures should then be taken to aid in the attainment of these standards.

In general, it was agreed that the state government should avoid, where possible, imposing direct controls to force local units to undertake specific actions. Instead, a cooperative effort to attain common goals should be encouraged.

Equalizing Tax Burdens

A prime difficulty in many metropolitan areas is the multiplicity of governmental units, all levying taxes at different rates and all providing varying degrees of services. It was suggested that state governments should work out rational policies for (a) dividing tax sources between the state government and local governments, (b) supplementing local taxes by grants or shared taxes, and (c) equalizing the resources of local units to the degree necessary to finance minimum levels of service. The state may be called upon to assist local units in the assessment of property for



Discussants include, left to right, Professor F. Stuart Chapin, Jr., director, Urban Studies Program, University of North Carolina; John Morrissey, general counsel, N.C. League of Municipalities; Currie; Pearson Stewart, director, Research Triangle Regional Planning Commission; and Elmer Oettinger, Assistant Director, Institute of Government.



Senator Ervin talks to group. Seated at table, left to right, are Moore and Bane

Dining at Institute buffet are, left to right, Pollock; James S. Currie, North Carolina Commissioner of Revenue; and Kestnbaum.





Director Coates welcomes Commission and guests to Institute and leads off in discussion of North Carolina situation. At table, left to right, are Stewart; Green; Pete Ivcy, U.N.C. News Bureau chief; Dr. Robert S. Rankin, chairman, Department of Political Science, Duke University; William E. McIntyre, Charlotte-Mecklenburg city-county planning director; Milton S. Heath, Jr., Assistant Director, Institute of Government; Dr. Frederic N. Cleveland, chairman, Department of Political Science, University of North Carolina, and Warren Cikins, research analyst, Advisory Commission on Intergovernmental Relations.

PURPOSE OF ADVISORY COMMISSION

What is the Advisory Commission on Intergovernmental Relations? It is a permanent, bipartisan body of 26 members, established by Public Law 86-380 enacted by the 86th Congress in 1959, to give continuing study to the relationship among local, state, and national levels of government. The bill creating the Commission was introduced by Congressman L. H. Fountain of North Carolina.

The law specifies the following composition of the Commission: (a) Three officers of the executive branch of the national government, (b) three private citizens, (c) three members of the U.S. Senate, (d) three members of the U.S. House of Representatives, (e) four Governors, (f) four Mayors, (g) three county officials, and (h) three state legislators. Senator Sam J. Ervin, Jr., of North Carolina and Congressman Fountain are both members of the Commission.

Mr. Frank Bane, of Washington, D.C., is Chairman of the Commission, and Professor James K. Pollock of the University of Michigan is Vice-Chairman.

The law provides that the Commission will

1. Bring together representatives of the federal, state, and local governments for consideration of common problems;
2. Provide a forum for discussion of the administration of federal grant programs;
3. Give critical attention to the conditions and controls involved in the administration of federal grant programs;
4. Make available technical assistance to the executive and legislative branches of the federal government in the review of proposed legislation to determine its overall effect on the federal system;
5. Encourage discussion and study at an early stage of emerging public problems that are likely to require intergovernmental cooperation;
6. Recommend, within the framework of the Constitution, the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government; and
7. Recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers.

April, 1961

taxation. But a strong feeling was expressed that a wide area must still remain for local determination of desired service levels (and the related fixing of required tax rates).

It was pointed out that to the extent that the state government takes over responsibility for financing particular functions (as in the case of North Carolina's financing of schools and highways), there is less variation among local units. This has both advantages and disadvantages.

State Office of Metropolitan Area Affairs

As an aid to localities in meeting their problems, the possibilities of a state office to provide technical assistance were explored. Some attention was paid to the recently-created New York State Office for Local Government. This has the following statutory functions:

1. To assist the Governor in coordinating the activities of state departments and agencies to provide more effective services to local governments.
2. To inform the Governor as to the problems of local governments and to assist him in formulating policies and utilizing resources of the executive branch of the state government for the benefit of local governments.
3. To serve as a clearinghouse of information relating to common problems of local governments and to other state and federal services available for assistance in their solutions.
4. When requested, to advise and assist local governments in solving their particular problems.
5. To make studies and analyses of local government problems.
6. To encourage and assist cooperative efforts among local governments in developing solutions to their common problems.



Winston-Salem's Jenkins exemplifies concentration of participants on problems under discussion.

7. To encourage expansion and improvement of in-service training facilities for local officers and employees.

8. To consult and cooperate with local governments and offices or organizations representing them in order to carry out the functions of the office.

It was generally agreed that such an agency could be of much benefit to local governments. However, the North Carolina participants expressed the view that most of these functions were already being performed by the Institute of Government and the Local Government Commission, and they expressed doubt as to the necessity for a new agency in this state.

Conclusions Drawn

In considering North Carolina's success to date in preparing for metropolitan area problems, various speakers noted the following factors as playing a part: (1) the tradition of innovation and willingness to experiment, (2) the climate of encouragement of economic growth, (3) the simple pattern of government which has fortuitously developed, (4) a tradition of research and service in meeting governmental problems, with good liaison between public officials and University teachers, (5) an alert officialdom, (6) judicial emphasis on representative democracy in which local units were given much freedom, (7) a simple Constitution with few roadblocks in the way of the state legislature, (8) a legislative attitude of cooperation with local officials, (9) a helpful pattern of financial support, and (10) the necessity of lifting itself by its bootstraps which confronted the state in times of defeat, poverty, and frustration.

It was pointed out that the state may yet confront serious problems growing out of development of a two-party system, potential regional conflicts, difficulties in financing ever-rising costs of governmental services, possible objection to continued experimentation, and other developments.

The late Meyer Kestnbaum, chairman, of the previous Commission on Intergovernmental Relations, summed up the conference by suggesting that in solving metropolitan area problems as other problems, the central problem is that of persuading influential people to make the necessary adjustments and compromises to produce a workable end result. This may or may not involve changes in governmental structure. He felt that the most important lesson to be learned from North Carolina was the example of cross-fertilization of ideas between scholars and practical politicians at the Institute of Government in conferences such as this one.



North Carolina's Governor Hodges and Governor-elect Terry Sanford attend buffet luncheon for Seminar.

PARTICIPANTS IN SEMINAR

Participants in the seminar were divided between experts from outside the state, invited by the Advisory Commission on Intergovernmental Relations, and representative officials and citizens from the State, invited by Governor Luther H. Hodges.

Out-of-State

Frank Bane, chairman, Advisory Commission on Intergovernmental Relations; Professor James K. Pollock, vice-chairman, Advisory Commission on Intergovernmental Relations; William G. Colman, executive director, Advisory Commission on Intergovernmental Relations; Warren Cikins, research analyst, Advisory Commission on Intergovernmental Relations; Meyer Kestnbaum, president, Hart, Shaffner and Marx, and chairman of previous Commission on Intergovernmental Relations; Patrick Healy, Jr., executive director, American Municipal Association; Bernard F. Hillenbrand, executive director, National Association of County Officials; John E. Bebout, director, Temporary New York State Commission on the Constitutional Convention; Frank C. Moore, president, Government Affairs Foundation, New York; George Deming, director, Conference on Metropolitan Area Problems, New York; Allen Manvel, Chief, Governments Division, U.S. Bureau of the Census; Sidney Spector, Council of State Governments; William Cassella, National Municipal League; Professor Gilbert Y. Steiner, Institute of Government and Public Affairs, University of Illinois.

North Carolina

Governor Luther H. Hodges; U.S. Senator Sam J. Ervin, Jr.; State Senator J. Spencer Bell, Mecklenburg County; Edwin M. Gill, State Treasurer; James S. Currie, Commissioner of Revenue; W. E. Easterling, executive secretary, Local Government Commission; George M. Stephens, Jr., Advance Planning Department, State Highway Commission; Mayor William G. Enloe, Raleigh, president of N.C. League of Municipalities; Carson Bain, member, Guilford County Board of Commissioners and past president of N.C. Association of County Commissioners; Mayor E. J. Evans, Durham; General James R. Townsend, Greensboro city manager; William F. Womble, Winston-Salem city attorney; William J. Veeder, Charlotte city manager; J. Harry Weatherly, Guilford County Manager; Albert W. Kennon, chairman, Durham City-County Charter Commission; Gaither Jenkins, Winston-Salem, chairman of City-County Planning Commission; William E. McIntyre, Charlotte, city-county planning director; Pearson Stewart, director, Research Triangle Regional Planning Commission; John Morrissey, general counsel, N.C. League of Municipalities; Leigh Wilson, assistant director, N.C. League of Municipalities; J. Alexander McMahon, executive director and general counsel, N.C. Association of County Commissioners; Dr. Robert S. Rankin, chairman, Duke University Political Science Department; Dr. Richard Leach, Duke University Political Science Department; Dr. Frederic N. Cleaveland, chairman, University of North Carolina Political Science Department; Professor F. Stuart Chapin, Jr., director, Urban Studies Program, University of North Carolina; Albert Coates, director, Institute of Government; and George H. Esser, Jr., Philip P. Green, Jr., Milton S. Heath, Jr., and Warren J. Wicker, all assistant directors, Institute of Government.

REPORT FROM... WASHINGTON

by Elmer Oettinger, Assistant Director, Institute of Government

Old rocking chair's got him, and business is booming at a North Carolina chair company. "Him" is President Kennedy. The chair company is the "P & P" in Asheboro which made the President a rocker. And, as is so often the case, it all started with a "her." "Her" is Dr. Janet Travell, the President's physician and a Tar Heel. Five years ago, Kennedy tried a rocker in her office, liked it, and asked her to get him one. She did. It was comfortable to his aching back. The chair became a fixture. Recently, when Dr. Travell told the story, she was swamped with 500 letters in a single day—some praising rockers, others inquiring where the President's rocker was made. "The old rocking chair still has a lot of fans," said Dr. Travell. But the Kennedy rocker has gone big-time. The old high-back chair with a cane-work seat has been refinished and upholstered to fit in with the President's White House office. The old chair ain't what she used to be, but she still rocks and rolls with the best of them.

* * *

Some of the \$1 billion "hard-working dollars," released when the President signed the bill authorizing 13 more weeks of unemployment pay for jobless workers who have run out of benefits, have been finding their way to North Carolina. The anti-recession measure is scheduled to give needed help to more than 3-million workers and their families.

* * *

When the University of North Carolina celebrates its 167th birthday on October 12, the speaker will be the nation's number one official. President John F. Kennedy will participate in the occasion, according to White House announcement. The President will spend the entire day in Chapel Hill and will be awarded an honorary Doctor of Laws Degree. Not since December 1938, when President Franklin D. Roosevelt addressed a huge throng in the University's Woollen Gym, has a United States President in office appeared at the State University.

* * *

Secretary of Commerce Luther H. Hodges has confirmed his vigorous support of the administration's equal employment opportunity program with these words to a Commerce Department staff meeting: "Let no man or woman in this department ever feel that his talents and his qualifications will be measured by the color of his skin or the faith he practices."

* * *

Henry Hall Wilson, the North Carolinian serving as an administrative assistant to President Kennedy, was given credit in the press for the fact that five Tar Heel Congressmen cast their votes for the administration bill to increase the minimum wage. The five voting with the President's program were Representatives Bonner, Cooley, Taylor, Kornegay and Whitener.

* * *

A former North Carolina Governor called for a moral code for business men and a business leader praised the Kennedy administration at the same meeting recently. The business man, J. Spencer Love of Greensboro, head of Burlington industries, called the Kennedy administrators "a bustling group of people, a terrific team." The ex-Governor,

(Continued on next page)

April, 1961

REPORT FROM... RALEIGH

TO MAKE THE MOST OF TIME

In the spring a solon's fancy
Often turns to thoughts of home.
Yet his calendar is chancey—
Bills galore beneath the Dome.
Taxes real; education earnest—
Pass or fail, you know their goal.
Stuck thou art, To home returnest?
'Tis not spoken till you poll.
So gather ye ballots while ye may
Old time is yet a-flying.
And that law maker who lags today
Tomorrow may be frying.

* * *

Legislative leaders say that approval of the \$70-million dollar Sanford education program budget request by the Joint Appropriations Committee probably has shortened the session considerably. When on April 13 the Appropriations group voted to report out the Sanford spending proposals favorably, it put the burden squarely on the Joint Finance Committee to come up with a revenue bill to pay for the augmented school program. As of this writing, legislative support seems to be mounting for the Sanford tax ideas, too. Despite some strong objections from public and press to putting the sales tax on food and medicines, the various bills which have been introduced proposing alternative tax schemes, and the prospect of vigorous debate in Finance Committee and later on the floor regarding Finance Committee recommendations, close observers now see a growing momentum for the Governor's recommendations. House Speaker Joe Hunt and the Senate presiding officer, Lt. Governor Cloyd Philpott, are reported to feel that the General Assembly may well be able to wind up its business in June. Finance Committee action is the next big question.

* * *

Our Institute of Government legislative staff reports in its weekly summary that, with approximately one-third of the 1961 session gone, introduction of bills in the North Carolina General Assembly is running "substantially behind" other recent years in total volume. As of March 24, 63 fewer measures had hit the hoppers than at a corresponding time in the 1959 session and 145 fewer than in 1957. The margin of difference lay almost entirely in the numbers of public (statewide) bills introduced, so far as the 1961 and 1959 sessions are concerned. However, as of the same dates, 23 more bills had been passed this time than in 1959 and 27 more than in 1957. Virtually no bill of major significance had become law in the first third of the session. And, with knotty budget and other problems still to be fought out—in committee and on the floor—predictions abound for a long session ending in shirtsleeves weather. The main question concerns the ultimate ratio of light to the heat sure to be generated.

* * *

On the heels of the recent federal price-fixing cases, the State of North Carolina has begun investigation of the submission of identical bids by different firms seeking State contracts to determine if state and federal restraint of trade

(Continued on next page)

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REPORT FROM WASHINGTON

(Continued from page 13)

Commerce Secretary Hodges, who was presented the North Carolina Citizen Association distinguished citizenship award by Love, took the occasion to advise the assembled business executives that the recent price-rigging prosecutions in the electrical industry were a "serious indictment." Hodges noted a need for something beyond "what we [businessmen] call our own conservative credo" and predicted: "If we are to survive, we've got to be clean and be sure that we preserve our business community."

Melvin H. Hearn of Hickory has been named state director of the Federal Home Administration.

REPORT FROM RALEIGH

and anti-trust laws may have been violated. Bill White, the director of the Division of Purchase and Contract, disclosed that the same bid totals had been submitted for State contract business by various firms in different fields—bread-makers, steelmakers, and chemical companies. Wade Bruton, the North Carolina Attorney General, assigned a staff member to check the information for possible violations of State law. Many of the bidders submitting identical bids are out-of-state firms. State law provides that, when bids are identical, a State agency may draw lots, but with only in-State firms permitted to participate in the drawing.

Governor Terry Sanford, in travels from New York to Southern Pines, spoke of needs and opportunities. Before a metropolitan audience, he explained the move of New England textile mills to the South in terms of better opportunities and advised his northern audience that crying about

loss of industry is no way to build for the future. Before State legislators and businessmen and farmers from Moore, Lee, Hoke, Montgomery, and Wake Counties, he tempered his pride in the work the State has done in forestry with the comment: "We can more than double what we've done." Obviously, the Governor believes opportunity knocks more than once: it can knock on wood and tap on textiles at the same time.

14-7-19 is not a patent medicine or a football signal, so far as we know. It does represent, however, a restorative of a "hike" in membership of the State Highway Commission. The present seven member Commission, halved by the Hodges administration from the pre-1957 14-member group, will be increased to a 19-member Commission under the Sanford-backed bill recently passed into law. The Governor wishes to "bring the commission closer to the people." His proposal also will make the commission chairman once more a full-time rather than part-time post and establish the chairman as "chief executive officer" of the commission. The "highway director," now No. 1 full-time position in the Highway Department, will become "administrative officer" of the Department. The 19-member Commission will be the largest in the history of the State.

Dr. J. M. Phelps, Representative from Washington County, died at his home in Creswell on March 26. The death of Dr. Phelps, a surgeon and veteran legislator, followed by a few weeks that of Forsyth Representative F. L. Gobble. Secretary of State Thad Eure paid tribute to Dr. Phelps as "a highly valuable member of the General Assembly," while House Speaker Joe Hunt called him "one of the most popular members of the House."

NOTES FROM CITIES AND TOWNS

(Continued from page 4)

Citizens of **Kings Mountain** may have the opportunity to vote on the city's "blue laws" in their May elections. A survey of some of the members of the city commission has revealed that the board may call an "informational referendum" on the issue.

A plan to illuminate downtown **Albemarle** with new fluorescent lights has been approved by the City Council. The new lights have already been installed in several sections of the downtown area.

Robert McCrary, manager of Burlington Industries Hart plant in **Tarboro**, has been elected chairman of Tarboro's newly-organized planning board.

William B. Gardner has been appointed town clerk of **Edenton**. He was selected at a special meeting of the town council.

The City of **Wilson** has established a public relations department under the direction of City Manager Jack Maynard. Authorized in 1956 by the Board

of City Commissioners, the plan was not implemented until this year.

A complete renovation and expansion of the city hall, the construction of a new jail, and the installation of new mercury vapor street lights have all been set for action by **Belmont's** city council. The improvements will be financed with surplus city funds now on hand, Mayor L.A. Brown reported.

A \$450,000 low-cost housing project has been planned for **Durham** residents displaced by the city's urban renewal program. Work on the 50 units will be in May.

The time-honored mass-meeting — a hold-over from colonial days which has become somewhat of a rarity in the mid-Twentieth Century—was used in April to nominate officials in **Lillington**.

BOND SALES

In January and February, 1961, the Local Government Commission sold bonds for the following governmental units. The unit, the amount of bonds, the purpose for which the bonds were issued, and the effective interest rate are given.

Unit	Amount	Purpose	Rate
Chapel Hill	\$ 240,000	Sanitary and storm sewer	3.4
Charlotte	5,000,000	Sanitary sewer, hospital	3.1
Enfield	100,000	Water	3.8
Fuquay Springs	340,000	Water and sanitary sewer	4.2
Greenville	550,000	Street improvement, municipal building and improvement, municipal department vehicle, bridge	3.2
Counties:			
Alamance	1,700,000	School building	3.2
Montgomery	750,000	School building	3.9
Wayne	225,000	Road, bridge, school	3.6

SURPLUS FOODS FOR NEEDY FAMILIES

by Roddey M. Ligon

Assistant Director, Institute of Government

The October, 1960, issue of *Popular Government* contained an article discussing the distribution of federally-donated surplus food to needy families. Since that time there have been new developments concerning this program in North Carolina. On February 15, 1961, the Governor told a special news conference that plans had been made which would pave the way for the fullest possible participation in the program by North Carolina. He announced that the Council of State had approved a \$30,000 contingency and emergency appropriation to pay the State's share of the cost of the program by the State Department of Agriculture during the initial three months. The food would be available, in those counties choosing to come within the program, to all recipients of public assistance (old age assistance, aid to dependent children, aid to the permanently and totally disabled, aid to the blind, and general assistance) and/or to families with

marginal incomes but who are not recipients of public assistance.

The principal provisions of the plan provide:

(1) Responsibility for determining eligibility for surplus foods has been vested in county superintendents of public welfare under plans and procedures worked out by the State Board of Public Welfare. An individual, upon being certified by the county department of public welfare, would receive an identification card showing his eligibility, and re-certification would be required every three months.

(2) The North Carolina Department of Agriculture has been designated as the distributing agency in North Carolina, with the Director of the Commodity Distribution Section of the North Carolina Department of Agriculture being the director of the program.

(3) The State is to provide central distribution points with the federal government delivering the surplus food

free of charge to these distribution points.

(4) The counties choosing to come under the program must provide for transporting the food from central points to the county; warehouse space for storage (including cold storage if the county wishes to receive butter) and repackaging in the county; and, for distributing the food in the county.

The boards of county commissioners of many counties are presently considering whether or not to participate in the program. In fact, as of March 16, more than one-third of the counties had indicated that they definitely would participate.

The Institute of Government plans to prepare for subsequent publication in *Popular Government* a more detailed discussion of the operation of the surplus distribution plan in North Carolina, including a discussion of the experience of some of the counties which have chosen to come under the program.

SALARY SURVEY

The North Carolina Chapter of the Public Personnel Association and the N.C. State Personnel Department have completed a joint salary survey among 16 public jurisdictions in North Carolina. Over 30 different classes thought to be common to most governmental units were included in the survey. It is hoped that a similar survey can be conducted on an annual basis and that the survey can be expanded to include many other public jurisdictions within the State.

Results from the 1961 survey of salaries was presented to those attending the Institute for Personnel Officers and Civil Service Commissioners in Chapel Hill on March 1-2. Copies of the survey may be obtained by writing James B. O'Neal, Jr., N. C. State Personnel Department, Revenue Building Annex, Raleigh, N. C. or the Institute of Government.

TAX TO EDUCATE: COUNTER MEASURES

Whatever else may result from the Sanford tax-to-educate program, the Governor's proposals have served as a catalyst on members of the Legislature. As of April 1 (no April fool), 13 tax bills had been introduced in the General Assembly. Some are comprehensive, some limited; but apart from the original Revenue bill and the measure providing for the Governor's tax augmentation program, all are designed as substitutes for or additions to the Governor's recommended levies. They include two Republican-sponsored bills, introduced by Rep. Osteen; a bill, introduced by Rep. Hines, which purportedly would raise almost \$90-million, or \$7-million more than the Sanford plan; and another bill, from Rep. Kemp, to finance a lesser program by raising some \$60-million. All three of these introducers are from Guilford County, also the home of House Speaker Hunt.

These proposals, coupled with the Sanford program, illustrate the change which has come over the thinking of the General Assembly this year. Although there are still some members of House and Senate who oppose any additional taxes (and presumably the Governor's expanded education plans to boot), the "hold-the-line" philosophy so prevalent in other Legislatures has been supplanted by a "where-to-breach-the-line" controversy. The "line" is, of course, the tax line, as set by the past and confirmed by the Advisory Budget Commission. The emphasis was shifted from maintaining to breaching the line the moment the Governor placed his augmented spending program for education first. In other years "available" revenues often have determined appropriations voted by the Legislature. This time "accumulated need" in terms of an education program is being used to force new ideas for spending sources. The climate in Raleigh has changed, and, as a result, the relationship of finance to appropriations has a new look.

PROPERTY TAXATION

Note: The problems raised and answered in the following letter to A. Jerris Arledge (March 23, 1961) are so important to county commissioners and tax supervisors that, rather than digest the opinion, the Institute feels justified in printing it in its entirety.

Changing Real Property Assessments in Non-Revaluation Year.

(A.G.)

This is in answer to your letter of March 13, 1961 raising questions concerning the authority of the County Board of Equalization and Review to reassess real property in years other than revaluation years. The hypothetical factual situation and the questions arising therefrom are phrased by you as follows:

"This letter is to ask your opinion pertaining to the power and authority of the County Board of Equalization and Review in years other than revaluation years under Subsection (3)(h) of Section 301 of the Machinery Act (G.S. 105-279) concerning a situation where two tracts of real estate which are of equal value are appraised and assessed on an unequal basis during a revaluation year.

"The particular problem can best be explained by the following example: Mr. Smith and Mr. Brown own adjoining lots which are of equal value (\$10,000). During a revaluation year Smith's lot is appraised at its actual value (\$10,000) and Brown's lot is appraised at a figure (\$12,000) in excess of its actual value. Brown petitions the County Board of Equalization and Review for reduction in the appraised value of his lot, is denied relief, but does not appeal to the State Board of Assessment, although he was informed of his right to appeal. Brown now plans to again come before the Board of Equalization and Review during a non-revaluation year (the members of the Board not being the same as those during the revaluation year). Assuming that Brown's lot was in fact appraised at a figure which was substantially out of line with similar property and which was, therefore, manifestly unjust (although the old Board of Equalization and Review apparently determined that the valuation was fair), the specific questions with which I am concerned are as follows:



THE ATTORNEY GENERAL RULES

"(1) Does Brown have the right to again petition the County Board of Equalization and Review during a non-revaluation year, and if he does have such right, is the Board authorized under Subsection (3)(h) of Section 301 of the Machinery Act (if it determines that the valuation was unfair) to reassess Brown's lot in view of the fact that he failed to exhaust his rights during the revaluation year; i.e., is the determination of the County Board of Equalization and Review during a revaluation year final in such a situation in the absence of an appeal to the State Board of Assessment?"

"(2) If Brown had failed and neglected to petition the County Board of Equalization and Review at all during the revaluation year, does he have the right to petition the Board during a non-revaluation year, and if he does have such right, is the Board authorized under Subsection (3)(h) of Section 301 of the Machinery Act (if it determines that the valuation was unfair) to reassess Brown's lot in view of the fact that he did not exercise *any* rights available to him during the revaluation year; i.e., is the matter still open for a determination by the County Board of Equalization and Review during a non-revaluation year inasmuch as no petition and decision has previously been made?"

Under the Machinery Act, Subchapter 2, Chapter 105 of the General Statutes, real property is to be listed and assessed for ad valorem tax purposes in the octennial years established by G.S. 105-278. In years other than revaluation years, real property is to be listed for ad valorem tax purposes at the value assessed at the last revaluation. G.S. 105-279. In a revaluation year, real property is to be appraised at its true and actual value in money (G.S. 105-294) in the manner provided by G.S. 105-295. The county tax supervisor is charged with reviewing values and assessing real property for taxation, subject to appeal to the County Board of Equalization and Review should any property owner be dissatisfied with the valuation placed on his property. After

the tax records are prepared, the tax records and receipts are to be turned over to the sheriff or tax collector by the county tax supervisor, and, when the same are filed with the sheriff or tax collector, and an order for collection of same is spread upon the minutes of the board of commissioners, the ". . . order shall have the force and effect of a judgment and execution against the property, real and personal, charged in the tax book and receipts, . . ." G.S. 105-325.

Where all of the foregoing has occurred, and the property owner does not appeal to the County Board of Equalization and Review from a determination of the value of real property in a year set by the Legislature for valuation of real property for ad valorem tax purposes, then the determination of value appears to be fixed, unless the property owner chooses to appeal to the County Board of Equalization and Review or unless, in some subsequent year other than a revaluation year, the property owner can present a case falling within the specific authority granted in G.S. 105-179.

In the first factual situation presented by you, Mr. Brown appealed to the county Board of Equalization and Review in a revaluation year for a reduction of the appraised value of his real property. The Board considered his appeal and found against him. Mr. Brown could have taken an appeal from the decision of the County Board to the State Board of Assessment in the manner provided by G.S. 105-329. As he failed to do so, it would appear that the decision of the County Board of Equalization and Review as to the valuation of his property in the revaluation year would be final and conclusive. The Legislature has delegated to the County Board of Equalization and Review the power and authority to make determinations respecting valuation of real property for ad valorem taxation purposes, and the action of such an administrative board, when not appealed from, may be final and conclusive without violating due process of law. *Belk's Department Store, Inc. v. Guilford County*, 222 N. C. 441, 448 (1942). Since Mr. Brown's appeal and request for reduction in value of his property was considered by the County Board

in a revaluation year and no appeal was taken from same. I am of the opinion that he should not be entitled to have the same question raised in a subsequent year under authority of G.S. 105-279 (3) (h).

In your question number (2), you offer the same hypothetical question with the additional fact that Brown had not petitioned the County Board

of Equalization and Review during the revaluation year. In such a case, where the valuation of his property had not been reviewed by the administrative body delegated with the responsibility of equalizing value on real property for tax purposes in order to comply with Article V, §3 of the Constitution and G.S. 105-294 requiring uniformity, Brown should be heard by the County

Board of Equalization and Review in a case properly framed under G.S. 105-279 (3) (h) to have his property reassessed at the true value in money. That subdivision permits reassessment of real property in [non-revaluation] years only if the property was assessed during the revaluation year at a figure which was "manifestly unjust at the time so assessed . . .".

INSTITUTE SCHOOLS, MEETINGS, AND CONFERENCES



Salisbury panel discusses "Problems in the Government of Libraries." This was one of four March meetings sponsored by the Institute of Government and presided over by George H. Esser, Jr., Assistant Director of the Institute, fourth from left. Members of panel left to right, are Bob Shuford, Davidson county manager; Ire McDowell, former chairman, Randolph County Commissioners; Herman E. Dickerson, Statesville city manager; Esser; Hoyt Galvin, Mecklenburg Public Librarian; Frank Young, former member of the Gaston County Public Library Board; and David Clay, Salisbury city councilman.

FOUR MEETINGS ON PUBLIC LIBRARY PROBLEMS

How should public libraries be financed? Is a public library a department of county government? Would the answer depend upon a tax vote? Does North Carolina need a new state library building? Are plans underway? Is special city or county tax support for libraries part of an emerging pattern? How does a city or county plan a successful bond election for new library facilities?

Four meetings of library officials, sponsored by the Institute of Government in March in different parts of the State, brought forth these and many more pertinent questions. George H. Esser, Jr., Assistant Director of the Institute, conducted the meetings and moderated the panels. The subject was "Problems in the Government of Public

Libraries." The participants were librarians, library trustees, editors, and city and county officials, joining with Mr. Esser. The places were Greenville on March 9, Salisbury on March 14, Fayetteville on March 16, and Asheville on March 21. Following the meetings, Mr. Esser and members of the staff of the state library made themselves available for consultation with groups and individuals on specific library problems. More than 500 persons attended the meetings, an exceptionally large number. Newspapers carried pictures and informative accounts of the proceedings in each community. A picture of the Salisbury meeting, which was attended by 125 persons, is shown on this page and illustrates the widespread interest aroused by the sessions and the calibre of persons participating.

SOLICITORS HOLD MARCH MEETING

The mid-winter meeting of the Superior Court Solicitor's Association brought lively and profitable discussion at the Institute of Government on March 11 and 12. President Maurice Braswell of Fayetteville presided over the sessions, which were attended by the following other solicitors: John Regan, St. Pauls; Lester Chalmers, Raleigh; Harvey Lupton, Winston-Salem; Walter Britt, Clinton; Ed Washington, Greensboro; Bob Swain, Asheville; Leonard Lowe, Forest City; Moseley Boyette, Carthage; Max Childers, Gastonia; Hubert May, Nashville; and Allie Hayes, North Wilkesboro. Assistant Solicitor John Comer of Greensboro also was present, as was Roy G. Hall, Jr., Assistant Director of the Institute of Government.

A chance to study government — world, national, state, and local . . .

An introduction to the duties, problems, and responsibilities of citizenship

The American Legion

BOYS' STATE

of North Carolina



at the Institute of Government - June 18-24, 1961

Since 1939, outstanding rising high school seniors, selected from all over North Carolina, have been sent to the Institute of Government in Chapel Hill to hear lectures and discussions by public officials, faculty members, and other leaders. As a part of their training, the boys each year organized their own cities, counties, and state, elected their own officials, and put into practice some of the theories of government they have studied. The picture (above) shows scene at 1960 Boys' State.

WHO MAY SPONSOR

Any American Legion Post in North Carolina, through selection committees or other organizations such as Auxiliary Units, PTAs, service organizations, civic clubs, fraternal orders, or schools selected by a Legion Post to assist in the program.

WHO MAY ATTEND

Any member of a rising senior class in a North Carolina High School who has been properly selected and sponsored. He should meet requirements of mental alertness; be vigorous and enthusiastic; be honest, dependable and conscientious; have a pleasing and congenial personality; and have potential qualities of leadership and be able to fit into the community group.

BOYS' NATION

Two outstanding delegates to the Tar Heel Boys' State will be chosen to attend the Boys' Nation at Washington, D.C., with all expenses paid.