

Recommended
Charter and Companion Legislation
for

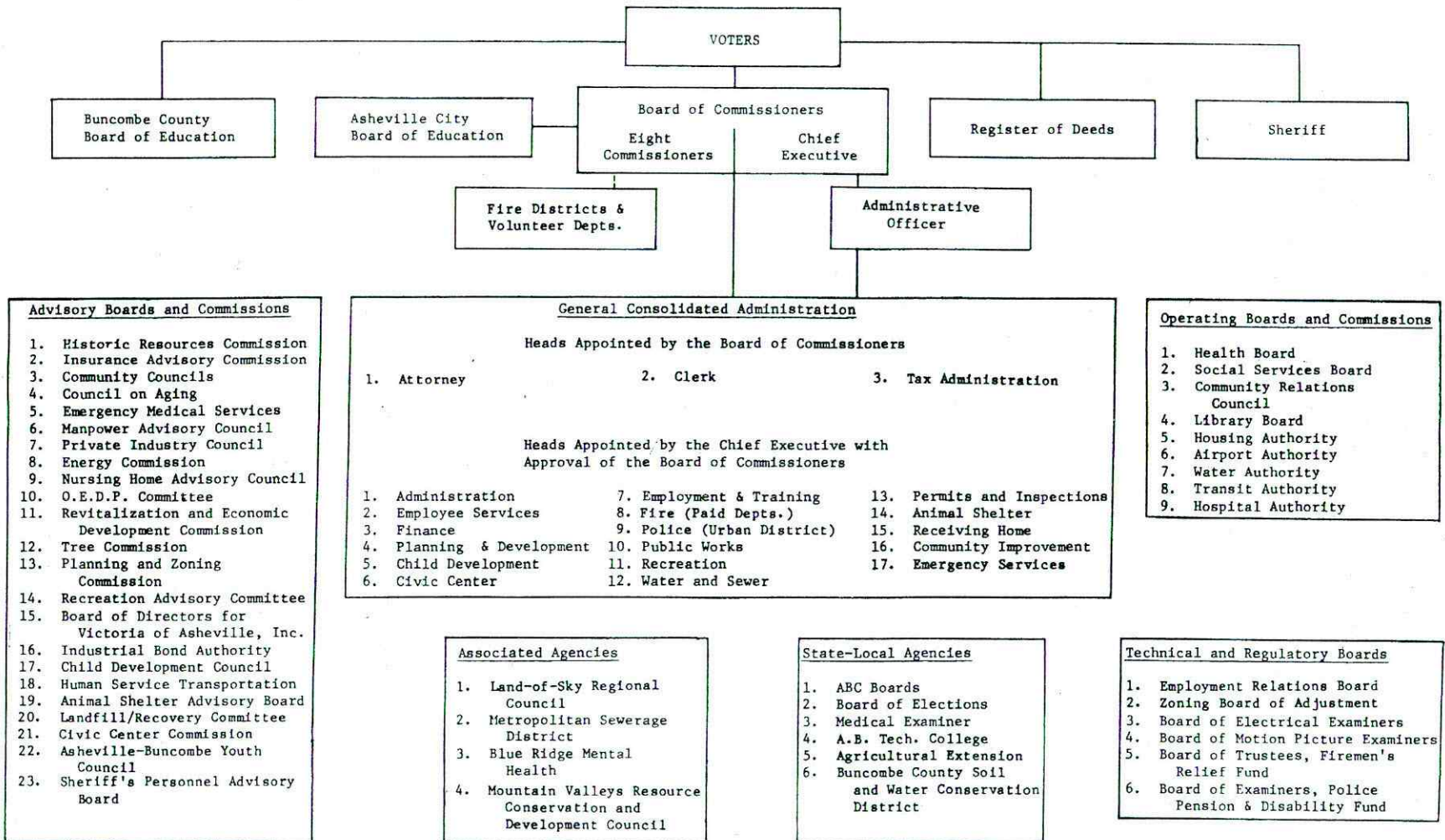
A CONSOLIDATED GOVERNMENT
FOR ASHEVILLE AND BUNCOMBE COUNTY



Asheville–Buncombe Charter Commission

September 1, 1982

Recommended General Organization
of the Consolidated Government of Asheville and Buncombe County



- Advisory Boards and Commissions**
1. Historic Resources Commission
 2. Insurance Advisory Commission
 3. Community Councils
 4. Council on Aging
 5. Emergency Medical Services
 6. Manpower Advisory Council
 7. Private Industry Council
 8. Energy Commission
 9. Nursing Home Advisory Council
 10. O.E.D.P. Committee
 11. Revitalization and Economic Development Commission
 12. Tree Commission
 13. Planning and Zoning Commission
 14. Recreation Advisory Committee
 15. Board of Directors for Victoria of Asheville, Inc.
 16. Industrial Bond Authority
 17. Child Development Council
 18. Human Service Transportation
 19. Animal Shelter Advisory Board
 20. Landfill/Recovery Committee
 21. Civic Center Commission
 22. Asheville-Buncombe Youth Council
 23. Sheriff's Personnel Advisory Board

- General Consolidated Administration**
- Heads Appointed by the Board of Commissioners
- | | | |
|-------------|----------|-----------------------|
| 1. Attorney | 2. Clerk | 3. Tax Administration |
|-------------|----------|-----------------------|
- Heads Appointed by the Chief Executive with Approval of the Board of Commissioners
- | | | |
|---------------------------|----------------------------|-----------------------------|
| 1. Administration | 7. Employment & Training | 13. Permits and Inspections |
| 2. Employee Services | 8. Fire (Paid Depts.) | 14. Animal Shelter |
| 3. Finance | 9. Police (Urban District) | 15. Receiving Home |
| 4. Planning & Development | 10. Public Works | 16. Community Improvement |
| 5. Child Development | 11. Recreation | 17. Emergency Services |
| 6. Civic Center | 12. Water and Sewer | |

- Operating Boards and Commissions**
1. Health Board
 2. Social Services Board
 3. Community Relations Council
 4. Library Board
 5. Housing Authority
 6. Airport Authority
 7. Water Authority
 8. Transit Authority
 9. Hospital Authority

- Associated Agencies**
1. Land-of-Sky Regional Council
 2. Metropolitan Sewerage District
 3. Blue Ridge Mental Health
 4. Mountain Valleys Resource Conservation and Development Council

- State-Local Agencies**
1. ABC Boards
 2. Board of Elections
 3. Medical Examiner
 4. A.B. Tech. College
 5. Agricultural Extension
 6. Buncombe County Soil and Water Conservation District

- Technical and Regulatory Boards**
1. Employment Relations Board
 2. Zoning Board of Adjustment
 3. Board of Electrical Examiners
 4. Board of Motion Picture Examiners
 5. Board of Trustees, Firemen's Relief Fund
 6. Board of Examiners, Police Pension & Disability Fund

LETTER OF TRANSMITTAL

To The Citizens of Buncombe County:

The Asheville-Buncombe Charter Commission was established in September of 1981 pursuant to Chapter 778 of the 1981 Session Laws enacted by the General Assembly of North Carolina.

The General Assembly directed the Commission to prepare preliminary recommendations for a consolidated charter for Asheville and Buncombe County and to hold public hearings on those preliminary recommendations. The preliminary charter was issued on April 15, 1982, and was published as a supplement in the Asheville Citizen-Times on Sunday, May 23, 1982. Over 70,000 copies were thus made available to citizens of the county. The Commission held five public hearings at different locations about the county between May 27 and June 10 to receive comments and suggestions from citizens. Local governing board members were given a special invitation to submit comments on the preliminary recommendations.

As a result of the comments and suggestions offered, changes in the preliminary recommendations have been made and the recommended charter is now presented to the citizens of Asheville and Buncombe County. This final plan will be placed before the voters of the county and each municipality at the November 2, 1982, election. Approval of the consolidation will require a favorable vote outside the City of Asheville, plus a favorable vote by the citizens of Asheville. If the vote is favorable, the consolidated government will become effective on December 3, 1984. In addition, a favorable vote by the citizens in each of the five other municipalities in the county is necessary for each to become a part of the consolidated government.

The Asheville-Buncombe Charter Commission
John F. Shuford, Chairman

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CHARTER

THE CONSOLIDATED GOVERNMENT OF ASHEVILLE AND BUNCOMBE COUNTY

CHAPTER 1. GENERAL PROVISIONS

Article 1. Establishment

Sec. 1-1. *Consolidated government established.* (a) The powers, duties, rights, privileges and immunities of the City of Asheville are consolidated with those of Buncombe County. These consolidated powers, duties, rights, privileges and immunities are exercised and enjoyed by a government for Buncombe County known as The Consolidated Government of Asheville and Buncombe County (herein called the consolidated government). If in special elections held in the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin, the citizens of any town elect not to continue their town as a separate municipality, the powers, duties, rights, privileges and immunities of the town whose citizens so elect also are consolidated with those of Buncombe County and exercised and enjoyed by the consolidated government. The consolidated government is the legal successor to the separate governments of the City of Asheville and Buncombe County and any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin the citizens of which elect not to continue their town as a separate municipality. Buncombe County continues as a county of the State of North Carolina, and the consolidated government shall perform all the duties and serve all the purposes required of counties under the Constitution and laws of the State of North Carolina.

(b) The City of Asheville and any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin whose citizens elect not to

continue their town as a separate municipality are abolished as independent municipal corporations.

Sec. 1-2. *Boundaries.* The consolidated government has jurisdiction and extends territorially throughout Buncombe County.

Sec. 1-3 through 1-5. *Reserved.*

Article 2. Powers

Sec. 1-6. *Corporate powers.* The inhabitants of Buncombe County are constituted a body politic and corporate under the name of The Consolidated Government of Asheville and Buncombe County and under that name have perpetual succession; shall have a common seal and may alter and renew it at will; may sue and be sued; may contract; may acquire and hold all property and rights of property, real and personal, that may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it; and may hold, invest, sell or dispose of its property and rights of property.

Sec. 1-7. *Grant of county and municipal powers.* (a) Except as otherwise provided in this charter, or G.S. Chapter 160B, The Consolidated City-County Act of 1973, as amended, the consolidated government and its officers and employees may exercise and do enjoy (1) all the powers, duties, rights, privileges, and immunities that counties at or after the effective date of this charter may exercise and do enjoy under the Constitution and general laws

of the State of North Carolina; (2) all the powers, duties, rights, privileges, and immunities that incorporated municipalities at or after the effective date of this charter may exercise and do enjoy under the Constitution and general laws of the State of North Carolina; and (3) all the powers, duties, rights, privileges, and immunities that the City of Asheville or Buncombe County at the effective date of this charter could exercise and enjoy under special acts of the General Assembly of North Carolina. All these special acts applying to the City of Asheville or Buncombe County are continued and apply to the consolidated government except as expressly repealed by this charter or when clearly inconsistent with the provisions of this charter.

Except as otherwise provided in this charter, the consolidated government may exercise throughout its jurisdiction any power, duty, right, privilege or immunity granted to it by law.

In exercising and enjoying any power, duty, right, privilege or immunity, the consolidated government shall follow the procedures, if any, set out in this charter. If the charter contains a procedure that does not include all acts necessary to exercise the power, duty, right, privilege or immunity, the consolidated government shall supplement the charter procedure by applicable procedures set out in other statutes. If no procedure is set out in the charter, the consolidated government shall follow the procedure set out in any general or applicable local law granting the power, duty, right, privilege or immunity; and if two or more laws other than this charter grant the same power, duty, right, privilege or immunity, but with differing procedures, the consolidated government may proceed under either.

The procedure set out in any statute, when employed by the consolidated government, is deemed amended to conform to the structure and administrative organization of the consolidated government. If a statute refers to the governing body of a county or municipality, the reference, except as otherwise provided in this charter, means the Board of Commissioners; and a reference to a specific official means the official of the consolidated government who most nearly performs the same duties performed by the specified official. If there is doubt as to the appropriate official, the Board of Commissioners may by resolution designate an appropriate official to act as fully as if his office were specified in the statute.

(b) Except as provided in this subsection, the consolidated government may exercise within any of the towns of Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin that elect to continue as separate municipalities only those powers, duties, rights, privileges and immunities that Buncombe County could exercise county-wide before the effective date of this charter, or that North Carolina counties are, subsequent to the effective date of this charter, authorized by general law to exercise county-wide. The governing board of any town that elects to continue as a separate municipality, however, may agree to the exercise of any other power, duty, right, privilege or immunity of the consolidated government within the town.

CHAPTER 2. BOARD OF COMMISSIONERS

Article 1. Composition

Sec. 2-1. *Composition of Board of Commissioners; usage.* The Board of Commissioners of the consolidated government comprises eight commissioners and the Chief Executive. In this charter, in referring to the Board of Commissioners, the term "commissioner" is used interchangeably with the term "member;" the term "Board of Commissioners," unless the context clearly indicates otherwise, refers to the body that includes the eight commissioners and the chief executive.

Sec. 2-2. *Election; term of office.* The qualified voters of the entire consolidated government elect all the members of the Board of Commissioners. Members of the Board of Commissioners are elected to four-year terms and take office at the first regular meeting of the board in the December immediately following their election.

Sec. 2-3. *Vacancies.* A vacancy in the membership of the Board of Commissioners exists when a duly elected person fails to qualify or when a member who has been duly elected and has qualified either dies, resigns, or no longer meets the requirements of Article VI, section 8 of the North Carolina Constitution. Any such vacancy shall be filled pursuant to the provisions of G.S. 153A-27.1.

Sec. 2-4. *Compensation.* The initial compensation of the members of the Board of Commissioners is \$7,200 per annum. Thereafter the Board of

Commissioners may fix the compensation and allowances of its members by inclusion of the compensation and allowances in and adoption of the annual budget ordinance.

Sec. 2-5 through 2-8. *Reserved.*

Article 2. Organization

Sec. 2-9. *Organizational meeting.* At the first regular meeting of the Board of Commissioners in the December immediately following each election for chief executive and membership on the Board of Commissioners, those persons elected shall take and subscribe the oath of office required by the North Carolina Constitution. A person absent from the organizational meeting may take and subscribe the oath at a later time.

Sec. 2-10. *Meetings.* (a) The Board of Commissioners shall fix the time and place of its regular meetings.

(b) The Board of Commissioners may hold a special meeting pursuant to either of the methods set out in this subsection. In addition to complying with the notice requirements set out in this subsection, the person or persons calling a special meeting shall cause the notice requirements of G.S. Chapter 143, Article 33B, applicable to the special meeting, to be complied with.

(1) During any regular meeting or duly called special meeting, the Board of Commissioners may call a special meeting by adopting a motion specifying the time, place, and purpose or purposes of the special

meeting. Only items of business included within the stated purpose of the meeting may be considered, unless the chief executive and all members of the Board are present or those absent have signed a written waiver.

(2) The chief executive, the chief executive pro tempore, or any three members of the Board of Commissioners may call a special meeting pursuant to this paragraph. Except for meetings called to deal with emergencies, the person or persons calling the meeting shall sign a written notice stating the time and place of the meeting and listing the items of business to be considered and shall cause the notice, at least 48 hours before the time of the special meeting, to be delivered to the chief executive and each member of the Board of Commissioners or left at that person's usual dwelling place. Only those items of business specified in the notice may be transacted at the meeting, unless the chief executive and all members are present or have signed a written waiver. If the meeting is called to deal with an emergency, the person or persons calling the meeting shall take reasonable action to inform the chief executive and the members of the Board of Commissioners of the meeting. Only business connected with the emergency may be discussed at such an emergency meeting.

(c) The Board of Commissioners may recess or adjourn any regular or duly called special meeting, to reconvene at a time and place certain.

Sec. 2-11. *Quorum.* Five members of the Board of Commissioners, or four members plus the chief executive, constitute a quorum. If a member of the Board or the chief executive withdraws from a meeting without being excused by

majority vote of those remaining, that person shall be counted as present for purposes of determining whether a quorum is present.

Sec. 2-12. *Voting.* In order for the Board of Commissioners to adopt an ordinance or take any other action, the measure must receive a majority of the votes cast, a quorum being present. The Board may excuse the chief executive or a member from voting, but only upon questions involving that person's own financial interest or his official conduct. (For purposes of this section, the question of the compensation and allowances of the chief executive or members of the Board does not involve the chief executive's or member's own financial interest or official conduct.) If, on any measure, the chief executive or a member is physically present in the room and without being excused fails to vote, or has withdrawn from the meeting without being excused pursuant to section 2-11 of this charter, that person shall be recorded as voting in the affirmative on that measure.

Sec. 2-13 through 2-17. *Reserved.*

Article 3. Appointments

Sec. 2-18. *Chief legal officer.* The Board of Commissioners shall appoint a chief legal officer for the consolidated government, who shall serve at the Board's pleasure. The chief legal officer shall provide legal services for the consolidated government and each of its boards, commissions, and authorities not exempted from this section by the Board of Commissioners. The

chief legal officer may appoint necessary assistants and, with the approval of the Board of Commissioners, also may appoint special counsel to provide legal services of a special or extraordinary nature.

Sec. 2-19. *Consolidated government clerk.* The Board of Commissioners shall appoint the consolidated government clerk, who shall serve at the pleasure of the Board, and define the duties of the office.

CHAPTER 3. CHIEF EXECUTIVE

Article 1. Election

Sec. 3-1. *Election; term of office.* The qualified voters of the entire consolidated government elect the Chief Executive. The chief executive is elected to a four-year term. He assumes office at the first regular meeting of the Board of Commissioners in the December immediately following his election.

Sec. 3-2. *Chief Executive Pro Tempore.* At its organizational meeting after each election, the members of the Board of Commissioners shall elect from among their number a Chief Executive pro tempore, to serve at the pleasure of the Board of Commissioners. The chief executive pro tempore shall preside over meetings of the Board of Commissioners in the absence of the chief executive, but he has no right to break a tie vote in which he participated. If the chief executive is absent from the county, he may designate the chief executive pro tempore as acting chief executive during his absence; during that time, the chief executive pro tempore has all the powers, rights, duties, privileges, and immunities of the chief executive.

Sec. 3-3. *Temporary incapacity.* If the chief executive becomes physically or mentally incapable of performing the duties of his office, the members of the Board of Commissioners may by unanimous vote declare that he is incapacitated and confer any of his powers or duties on the chief executive pro tempore. Upon the chief executive's declaration that he is no longer incapacitated, concurred in by a majority of the members of the Board of

Commissioners, the chief executive may resume the exercise of his powers and duties.

Sec. 3-4. *Vacancy.* A vacancy in the office of chief executive exists when a duly elected person dies or refuses to qualify or when a person who has been elected and has qualified dies, resigns, or no longer meets the requirements of Article VI, section 8 of the North Carolina Constitution. The Board of Commissioners shall fill any vacancy in the office of chief executive in the manner provided for in G.S. 153A-27.1.

Sec. 3-5. *Compensation.* The initial compensation of the chief executive is \$40,000 per annum. Thereafter the Board of Commissioners may fix the compensation and allowances of the chief executive by inclusion of the compensation and allowances in and adoption of the annual budget ordinance.

Sec. 3-6 through 3-10. *Reserved.*

Article 2. General Powers and Duties

Sec. 3-11. *General powers and duties.* The chief executive is the official head of the consolidated government. Consistent with the provisions of this charter, the chief executive has all the powers, duties, rights, privileges, and immunities granted to and imposed upon chairmen of boards of county commissioners and mayors of cities by the general law of North Carolina.

Sec. 3-12. *Presides at Board meetings; voting.* The chief executive shall preside at all meetings of the Board of Commissioners. He has the same right and responsibility to vote as a member of the Board, but may not vote to break a tie vote in which he participated.

Sec. 3-13. *Budget officer.* The chief executive is the budget officer of the consolidated government and possesses the powers and duties of that office under G.S. Chapter 159, Article 3 (The Local Government Budget and Fiscal Control Act).

Sec. 3-14. *Execution of laws.* The chief executive shall cause the laws of the State and the ordinances, resolutions, orders, and regulations of the consolidated government to be faithfully executed within the consolidated government's jurisdiction.

Sec. 3-15. *Contracts.* The chief executive or some other officer or employee designated by the Board of Commissioners shall sign each written contract or obligation of the consolidated government and each of its agencies, boards, commissions, or authorities that is not a unit of local government or public authority under the Local Government Budget and Fiscal Control Act. No contract or obligation subject to this section is binding on the consolidated government or the appropriate agency, board, commission, or authority until so signed.

Sec. 3-16. *Other powers and duties.* The chief executive possesses such other powers and duties as are set out elsewhere in this charter.

CHAPTER 4. ADMINISTRATION

Article 1. Administrative Organization

Sec. 4-1. *Initial administrative organization.* The initial administrative organization of the consolidated government is that of the merging governments on the effective date of the consolidated government and shall continue until changed by law or in accordance with the provisions of this charter.

Sec. 4-2. *Departmental organization.* The consolidated government initially shall be organized into at least the following staff departments: administration, employee services, finance, legal services, planning and development, and tax administration. The consolidated government also shall be organized into at least the following operating departments: child development, civic center, emergency services, employment and training, fire, library, police, public health, public works, recreation, social services, and water and sewer. The Board of Commissioners may abolish or consolidate any of the departments listed in this section and may establish additional departments.

Sec. 4-3. *Board of Commissioners may reorganize consolidated government.* The Board of Commissioners may create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the consolidated government, may impose ex officio the duties of more than one office on a single officer, may change the composition and manner of selection of boards, commissions, and agencies, and may generally organize and

reorganize the consolidated government in order to promote orderly and efficient administration of its affairs, subject to the following limitations:

- (1) The Board may not abolish an office, position, department, board, commission, or agency established or required by law.
- (2) The Board may not combine offices or confer certain duties on the same officer when this action is specifically forbidden by law.
- (3) The Board may not discontinue or assign elsewhere a function or duty assigned by law to a particular office, position, department, board, commission, or agency.
- (4) The Board may not change the composition or manner of selection of a board of education, the board of health, the board of social services, the board of elections, or a board of alcoholic beverage control.

Sec. 4-4 through 4-7. *Reserved.*

Article 2. Chief Executive Powers

Sec. 4-8. *Chief executive's powers.* (a) Subject to the approval of the Board of Commissioners, the chief executive appoints the administrative officer and each department head whose appointment is not otherwise provided for by law.

(b) In accordance with the personnel policies adopted by the Board of Commissioners and subject to the provisions of Ch. 5, Article 2 of this charter, the chief executive appoints and removes each employee of the

consolidated government and its agencies, boards, commissions, and authorities whose appointment or removal is not otherwise provided for by law.

(c) The administrative officer serves at the pleasure of the chief executive, and the chief executive may remove the administrative officer at any time. Subject to the approval of the Board of Commissioners, the chief executive may remove the head of any staff department.

Sec. 4-9 through 4-13. *Reserved.*

Article 3. Administrative Officer

Sec. 4-14. *Administrative officer.* The administrative officer shall be qualified by training and experience to perform the duties of the position in a professional manner and need not be a resident of the consolidated government at the time of appointment.

Sec. 4-15. *Powers and duties.* The administrative officer:

(a) Shall assist the chief executive in carrying out his responsibilities under this charter.

(b) Subject to the approval of the chief executive and the Board of Commissioners, may remove the head of any operating department.

(c) Shall supervise the activities of the departments of the consolidated government.

(d) Shall perform any other duties or responsibilities prescribed by the chief executive or the Board of Commissioners.

CHAPTER 5. PERSONNEL

Article 1. Personnel System

Sec. 5-1. *Personnel system authorized.* The Board of Commissioners shall establish by ordinance a system of personnel administration. The system may provide for the classification of positions; the qualifications for each position; the manner and method of publicizing vacancies and recruiting for positions; appointment and employment of personnel; a compensation plan; conditions of employment; evaluation, transfer, and promotion policies and procedures; discipline and termination policies and procedures; employee benefits; training of employees; and any other measures that promote the hiring and training of capable, diligent, honest career employees.

Sec. 5-2. *Coverage of system.* Except as provided in this section, the personnel system shall cover all officers and employees of the consolidated government. The system shall not cover elected officials except the chief executive, or employees of the Asheville City Board of Education and the Buncombe County Board of Education. In addition the system shall not initially cover employees of any board, commission, or agency whose employees, immediately before the effective date of the consolidated government, are not covered by the personnel system of either Buncombe County or the City of Asheville. However, the Board of Commissioners may at any time include the employees of such a board, commission, or agency under the consolidated government's personnel system. The Board may also include or remove from the personnel system the employees of any other board, commission, or agency of the consolidated government.

Employees of the Sheriff and the Register of Deeds are appointed, supervised, and discharged pursuant to the provisions of general law and of this charter and other local acts expressly applicable to them. The Board of Commissioners may make officers and employees who are subject to state or federal civil service regulations and procedures subject to the consolidated government's personnel ordinances in any manner consistent with state or federal law.

Sec. 5-3 through 5-5. *Reserved.*

Article 2. Employee Relations Board

Sec. 5-6. *Board established.* The Board of Commissioners shall establish by ordinance an Employee Relations Board consisting of five members. The ordinance shall specify the length of members' terms, their qualifications, and their manner of appointment. Until such time as the Board of Commissioners acts under this section, the officers and employees of the merging governments shall continue to be subject to the personnel laws, ordinances, and regulations of their respective governments as those laws, ordinances, and regulations existed immediately before the effective date of the consolidated government.

Sec. 5-7. *Duties.* The Employee Relations Board:

(a) Shall recommend personnel policies and procedures to the Board of Commissioners and otherwise advise the Board of Commissioners, the chief

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Sec. 5-7. *Duties.* The Employee Relations Board:

(a) Shall recommend personnel policies and procedures to the Board of Commissioners and otherwise advise the Board of Commissioners, the chief

Article 3. Sheriff's Personnel Advisory Board

Sec. 5-13. *Board continued; terms; qualifications; vacancies; removal.*

The Sheriff's Personnel Advisory Board, an agency of the Buncombe County Sheriff's Department heretofore created and existing, is continued. The Board has three members, appointed to three-year staggered terms by the senior resident Superior Court judge of the 28th Judicial District. To be eligible for appointment, a person must be interested in promoting a merit system of personnel administration, may not practice or have practiced in the criminal courts of Buncombe County, and may not hold elected office or office in a political party or have held such office in the three years immediately preceding the day of appointment.

The senior resident judge shall fill any vacancy on the Sheriff's Personnel Advisory Board, for the remainder of the unexpired term. The senior resident judge may remove any member of the Board for cause, after giving the member a copy of the charges against him and affording him a public hearing on the charges.

Sec. 5-14. *Compensation; chairman.* Members of the Sheriff's Personnel Advisory Board serve without compensation but are entitled to reimbursement for travel expenses incurred in the course of their duties. The Board shall annually elect one of its members as chairman.

Sec. 5-15. *Duties.* The Sheriff's Personnel Advisory Board:

(a) Shall represent the public interest in the improvement of personnel administration in the sheriff's department;

(b) Shall advise the sheriff concerning personnel administration and the development of personnel rules.

(c) Shall make any investigations that it considers desirable concerning personnel administration in the sheriff's department; and

(e) Shall hear appeals, receive evidence, determine facts, and make recommendations to the sheriff in case of employee appeals of suspension, demotion, or dismissal. This appeals jurisdiction does not extend to the chief deputy sheriff, the assistant chief deputy sheriff, or the administrative deputy sheriff.

Sec. 5-16. *General principles.* (a) All appointments and promotions in the sheriff's department shall be made solely on the basis of merit and fitness and without regard to race, religion, color, creed, or national origin.

(b) The tenure of employees covered by this article is subject to good behavior, satisfactory work performance, necessity for performance of work, and availability of funds.

(c) An employee who contends that he was demoted, suspended, or dismissed because of bias, political affiliation, or reasons other than merit, fitness, or availability of position or funds may appeal to the Sheriff's Personnel Advisory Board.

Sec. 5-17 through 5-19. *Reserved.*

Article 4. Limitations on Political Activity

Sec. 5-20. *Political activity limited.* (a) No officer or employee of the consolidated government or its boards, commissions, or agencies:

- (1) May engage in political activity while on duty.
- (2) May use supplies or equipment of the consolidated government for political purposes.
- (3) May coerce or attempt to coerce political contributions from any officer or employee or prospective officer or employee of the consolidated government.
- (4) May use his official authority or influence to secure support for or against a candidate or party.
- (5) May run for an elected office of the consolidated government, unless he takes an unpaid leave of absence, beginning on the day he files his notice of candidacy for the office and continuing either until he has been elected to the office or until he is no longer a candidate because he has withdrawn his candidacy pursuant to law or has been defeated in a primary or general election.

(b) Except for paragraphs (2) and (3) of subsection (a) of this section, this section does not apply to elected officials.

Sec. 5-21. *No undated letters of resignation.* No person may require any other person, as a condition of employment by the consolidated government or appointment to an office of the consolidated government, to sign an undated resignation letter.

Sec. 5-22. *Penalties for violation.* Any person who violates section 5-20 or 5-21 of this charter is guilty of a misdemeanor, and upon conviction may be fined up to \$1,000, imprisoned up to six months, or both, in the discretion of the court. In addition the criminal judgment shall also include an order removing such a person from his office or employment with the consolidated government.

Sec. 5-23. *Powers of Board of Commissioners.* The Board of Commissioners may adopt ordinances (1) interpreting and implementing sections 5-20 and 5-21 of this charter and (2) defining additional limitations on the political activity of officers and employees of the consolidated government.

CHAPTER 6. BOARDS, COMMISSIONS, AND AUTHORITIES

Article 1. General Provisions

Sec. 6-1. *Applicability of article.* Except as expressly provided by this charter, this article applies to each board, commission, or authority established or continued by this charter or hereafter created by or for the consolidated government.

Sec. 6-2. *Board of Commissioners appoint members.* Except as otherwise provided by law or ordinance of the Board of Commissioners, the Board of Commissioners appoints all members, except ex officio members, of the boards, commissions, and authorities of the consolidated government and fills vacancies in boards, commissions, and authorities, for the unexpired term.

Sec. 6-3. *Compensation.* The Board of Commissioners sets the compensation and allowances, if any, to be paid members of boards, commissions, and authorities.

Sec. 6-4 through 6-9. *Reserved.*

Article 2. Alcoholic Beverage Control

Sec. 6-10. *Operations continue.* Except as provided in this article, the local alcoholic beverage control systems in effect immediately before the effective date of the consolidated government in the City of Asheville and, if