

The City Council and Board of County Commissioners met in joint informal session in the Commissioners Room in Mecklenburg County Court House, on May 10, 1960, at 3 o'clock p.m., to receive the Report and Recommendations of the Tax Study Committee for the Consolidation of the Departments of Tax Collector for the City of Charlotte and County of Mecklenburg.

PRESENT FOR CITY:

Councilmen Albea, Babcock, Dellinger, Myers, Smith and Whittington.
 City Manager Veeder, City Clerk Lillian Hoffman and City Tax Collector Roy Yarborough.

ABSENT:

Mayor Smith and Councilman Hitch.

PRESENT FOR COUNTY:

Chairman McAden, and Commissioners Brown, Garrison, Lawing and McEwen.
 County Attorney Henry Dockery, Clerk Ethel R. Byrd and County Auditor W. H. Busby.

ABSENT:

None.

* * * * *

INVOCATION.

The invocation was given by Councilman Claude L. Albea at the request of Mr. McAden, Chairman of the Board of County Commissioners.

PURPOSE OF MEETING.

Chairman McAden stated everyone understands that the meeting is being held for the purpose of considering the Report and Recommendations of the Tax Study Committee, composed of Councilmen Dellinger and Myers and Commissioners Brown and McEwen. He then turned the meeting over to Councilman Dellinger, Chairman of the Tax Study Committee.

Councilman Dellinger stated as this is an informal meeting any actions taken by the Council will be ratified at the Council Meeting on May 16th.

REPORT AND RECOMMENDATIONS OF COMMITTEE.

Councilman Dellinger stated that in 1958 the City Council and County Commissioners agreed to consolidate the Tax Departments of the City and County and entered into a contract for one year whereby the City would collect city and county taxes on property within the city limits and the County would continue to collect taxes on property outside the city limits, the full details of the consolidation to be worked out by a Committee as to who would head the department, who would supervise it and where it would be housed. That the present Committee, together with the City Manager and County Officials have formulated the present Report and Recommendations, which are as follows:

"Report of the Tax Committee
For the Consolidation of the Departments of Tax Collector
For the County of Mecklenburg and the City of Charlotte

Members of the Committee

Ernest K. Brown - County Commissioner
John M. McEwen - County Commissioner
Steve W. Dellinger - City Councilman
Brevard S. Myers - City Councilman

The tax committee for the Board of County Commissioners and the City Council has reviewed the proposal calling for the consolidation of the tax collection departments of the city and county governments. Your committee has determined that the following represents the predominating considerations relative to fiscal and physical consolidation and submits, in our opinion, adequate recommendations to implement the desired net end result.

Department Head: The appointment and salary should be the result of a joint session of the Board of County Commissioners for the County of Mecklenburg and the City Council for the City of Charlotte. This is the only equitable approach for the appointment of an official responsible for a consolidated operation of the local governments.

Administration-Supervision: It is the opinion of the tax committee that the Board of County Commissioners should be charged with this responsibility and the county government make provisions in its budget appropriations for the Fiscal Year 1960-61 as a department of the county government. The tax committee unanimously concurred in this recommendation in view of the following considerations. There are various governmental operations whose inter-related activities impels us to consider them in the light of effective service and convenience to the citizen. The listing of real and personal property for ad valorem taxation is a statutory obligation of the Board of County Commissioners and as a matter of public service the place of payment should be in close proximity to the source of assessment. Adequate physical facilities have been allocated in the county office building under construction for both the assessment and collection of ad valorem taxes. The tax collector should continue to occupy present facilities in the courthouse and city hall until the new offices are available.

Jurisdiction of the Tax Collector: The committee recommends the tax collector be vested with the authority to collect ad valorem taxes levied by the Board of County Commissioners and the City Council, to issue licenses and collect the revenues resulting therefrom in behalf of each unit.

Budget Appropriation: There is presented herewith a consolidated budget estimate for the Fiscal Year 1960-61. For the purpose of providing comparative data there is set forth consolidated city and county appropriations for fiscal periods prior to the year under consideration. Upon reviewing the personnel requirements of a consolidated operation the committee concluded no change in the staff was advisable at this time, rather, county personnel should be utilized in existing city vacancies at the will of the department head. The tax collector will, during the initial year, review staff requirements and make any reduction in the working force that in his opinion is unnecessary, consistent with an efficient operation. The tax committee further recommends that every effort should be made to absorb any displaced employee in other departments of the city or county government.

Allocation - Operational Cost: The tax committee reviewed this problem and are of the opinion that a calculated allocation of cost is essential to provide an equitable basis for city and county governments. In addition, a basis that will each year provide for the sharing of costs consistent with the preceding year. It has been determined that the number of tax bills and

licenses issued in behalf of each governmental unit is the most equitable basis for the division of costs between the city and county, therefore, the following method to calculate the division is submitted for consideration. The calculation each year to reflect the actual number of tax bills and licenses for the preceding fiscal year to provide a continuing basis for equitable division of cost.

| | <u>City</u> | <u>County</u> | <u>Total</u> |
|------------------|---------------|---------------|----------------|
| Tax Bills: | | | |
| Inside | 46,500 | 46,500 | 93,000 |
| Outside | | 33,000 | 33,000 |
| | | | 126,000 |
| Licenses | <u>6,780</u> | <u>2,050</u> | <u>8,830</u> |
| | <u>53,280</u> | <u>81,550</u> | <u>134,830</u> |
| Allocation Basis | <u>39.52%</u> | <u>60.48%</u> | <u>100.00%</u> |

The application of the above formula to the consolidated budget estimate submitted herewith would result in a cost to the city of \$65,640.00 (39.52%) and a cost to the county of \$100,452.00 (60.48%) for the Fiscal Year 1960-61.

The tax committee submits the foregoing report of its deliberations relative to the consolidation of this city-county governmental operation and recommendations that will provide a joint session of the governing bodies with adequate means to provide for complete fiscal and partial physical consolidation effective July 1, 1960.

Further, only certain internal administrative aspects to the consolidated operation were examined to provide the essential managerial authority of the department head, the committee members did not wish to concern themselves with matters unrelated to the policy level the local governing bodies are primarily concerned with in approving or disapproving this report.

The tax committee is very pleased to observe that the consolidation as herein envisioned would provide an over-all reduced cost of operation for the local governments and improved service to our citizens."

At the request of Councilman Dellinger, Mr. Dockery, County Attorney, then read the State Enabling Act under the provisions of which the consolidation of the departments may be made:

"SESSION LAWS - 1953

H. B. 1031

CHAPTER 742

AN ACT CONFERRING UPON MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE THE POWER AND AUTHORITY TO MERGE CERTAIN BRANCHES OR DEPARTMENTS OF COUNTY GOVERNMENT WITH SIMILAR BRANCHES OR DEPARTMENTS OF THE GOVERNMENT OF THE CITY OF CHARLOTTE, AND, BY AGREEMENT WITH THE CITY COUNCIL OF THE CITY OF CHARLOTTE, TO PROVIDE FOR THE MAINTENANCE AND OPERATION OF ANY GOVERNMENTAL DEPARTMENTS, MERGED HEREUNDER.

The General Assembly of North Carolina do enact:

Sec. 1. Grant of Power: For the purpose of providing for a more economical administration of certain functions of government of the County of Mecklenburg and the City of Charlotte, the County of Mecklenburg and the City of Charlotte are hereby empowered to merge any branch or department of the government of the County of Mecklenburg with similar branches or departments of government of the City of Charlotte.

Sec. 2. Such merger of departments or functions of government shall take place only when approved by a majority of the City Council of the City of Charlotte and a majority of the Board of Commissioners of the County of Mecklenburg, each voting as a unit (Chapter 234, Public-Local and Private Laws of 1935, as amended, shall not apply) and the operation and control of such merged departments or joint governmental units shall at all times be under the joint direction and control of the Board of Commissioners of Mecklenburg County and the City Council of the City of Charlotte.

Sec. 3. The governing body of the County of Mecklenburg and the governing body of the City of Charlotte shall by joint action, each voting as a unit, determine the location or locations of the headquarters of the governmental departments merged by virtue hereof, and shall likewise by joint action, each voting as a unit, appoint the head or heads of such merged governmental departments, determine the length of the term or office of all department heads and assistants or other employees of any governmental department or departments merged hereunder and shall also by joint action, each voting as a unit, appoint all assistants, collectors, clerks, and all other employees in all governmental departments merged hereunder, and also by joint action, each voting as a unit, determine the salaries to be paid to the heads of all governmental departments so merged and of all assistants, clerks, or other employees in such departments.

Sec. 4. The governing body of the City of Charlotte and the governing body of the County of Mecklenburg shall by joint action, each voting as a unit, determine the proportion of the costs of operation of any departments merged hereunder which shall be paid by the City of Charlotte and the County of Mecklenburg respectively.

Sec. 5. If any provisions of this Act or the application thereof to any person or governmental department or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. This Act shall apply only to Mecklenburg County and the City of Charlotte.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1953."

Councilman Dellinger pointed out that under the provisions of the Enabling Act the two Bodies have complete charge of all phases of the operation of the consolidated department, and action on every phase must be by majority vote of each of the two government Bodies, each voting as a unit.

Councilman Myers stated he is a firm believer in the consolidation of the departments but feels that it would be far better for the head of the department to be responsible to one Body. Too, he feels much confusion may result from the two Bodies, each voting as a unit, as it may well be that a majority vote of each Body can not be obtained on each question; however, if Mr. Dockery agrees, he believes the Plan can be adopted today by unit vote, as apparently both bodies are in agreement on the consolidation.

Mr. Veeder, City Manager, suggested that the following change be made in the Report to conform with the Enabling Act:

1. Administration - Supervision:

"It is the opinion of the Tax Committee that the Board of County Commissioners and the City Council should be charged with this responsibility and that both Bodies make provisions for budget appropriations for the fiscal year 1960-61 for the Consolidated Department of both units of Government, and that the County Government be

charged with the responsibility for the preparation of a budget along with those items of administrative detail required for the approval of both Bodies."

Councilman Dellinger stated he would like added in the Report the following:

2. "Each member of the City Council and County Commissioners shall be furnished a copy of all budget requests at least two weeks prior to the Joint Meeting of the Council and Commissioners to consider the adoption of the Department Budget."

Councilman Dellinger lead a discussion as to the advisability of a contract being entered into between the City and County, and suggested that the following provisions be added to the Report:

3. "A contract shall be entered into by the City and County for a period of one year, embodying the provisions of the Report, as modified today".

The Council, Commissioners and County Attorney concurred in the modification of the Report in the foregoing three respects.

Councilman Myers moved that the plan for the consolidation of the tax departments, as modified, be adopted to become effective July 1, 1960. The motion was seconded by Commissioner McEwen, and on a roll call vote of the City Council and County Commissioners, each voting as a unit, was unanimously adopted.

Councilman Dellinger stated that it is the thought and recommendation of the Committee that no employee of either the City or County Tax Departments lose his job; that they will have a job in the consolidated department or be absorbed in some other department of their respective government.

APPOINTMENT OF DEPARTMENT HEAD.

Councilman Whittington nominated Mr. Roy Yarborough to head the consolidated department. No other nominations were received, and Councilman Babcock moved that the nominations be closed, which was seconded by Commissioner Lawing, and unanimously carried. Councilman Whittington then moved the appointment of Mr. Yarborough as Tax Collector for the consolidated department, which was seconded by Commissioner McEwen, and on a roll call vote, the City Council and County Commissioners, each voting as a unit, the motion was unanimously carried and Mr. Yarborough was appointed.

APPOINTMENT OF ASSISTANT HEAD OF THE DEPARTMENT.

Councilman Albea nominated Mr. P. W. Davenport as Assistant Head of the Consolidated Department. No other nominations were received and Commissioner Lawing moved that the nominations be closed, which was seconded by Councilman Whittington, and unanimously carried. Councilman Babcock asked that Mr. Yarborough state if Mr. Davenport is acceptable to him in this capacity, and Mr. Yarborough replied that he is most acceptable. Councilman Albea then moved the appointment of Mr. Davenport as Assistant Tax Collector, which was seconded by Commissioner Lawing, and on a roll call vote, the City Council and County Commissioners, each voting as a unit, the motion was unanimously carried, and Mr. Davenport was appointed.

RECOMMENDATIONS TO BE MADE AS TO PERSONNEL FOR DEPARTMENT AND ALL SALARIES.

Councilman Whittington suggested that even though the two Bodies must make all appointments, he thought it would be well for Mr. Yarborough and Mr. Davenport to make recommendations to the Council and Commissioners as to the personnel of the department, which was concurred in by the two Bodies.

May 10, 1960
Minute Book 39 - Page 381


Councilman Smith recommended that the City Manager and Chairman of County Commissioners make recommendations to the Council and Commissioners as to the salaries of the Tax Collector and Assistant Collector and other personnel, which was concurred in by the joint Bodies.

CITY AND COUNTY ATTORNEYS REQUESTED TO DRAW CONTRACT COVERING OPERATION OF DEPARTMENT.

Mr. Dockery, County Attorney, was requested to confer with Mr. Shaw, City Attorney, and that they prepare a contract for a period of one year, covering the operation of the consolidated department to be presented to the City Council and County Commissioners at their next meetings, if possible.

ADJOURNMENT.

Upon motion of Councilman Smith, seconded by Commissioner Lawing, and unanimously carried, the conference was adjourned.


Lillian R. Hoffman
Lillian R. Hoffman, City Clerk