

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE  
ESTABLISHING AND AUTHORIZING PARTICIPATION IN THE CENTRAL PIEDMONT  
REGIONAL COUNCIL OF LOCAL GOVERNMENTS

PREAMBLE: It being recognized by the City of Charlotte,  
North Carolina, and all other local  
governmental units adopting identical Resolutions hereto that there  
is a need for both county and municipal governments in the geograph-  
ical area in and around Piedmont North Carolina and South Carolina  
to consult among themselves and to act in concert with reference to  
regional matters affecting health, safety, welfare, education, recre-  
ation, economic conditions, regional planning or regional development,  
and it being recognized that there is presently no established frame-  
work in which these problems may be studied and solutions implemented,  
it is therefore

RESOLVED that pursuant to the General Statutes of North  
Carolina, Chapter 160, Article 8A, the following Resolution for the  
establishment of a regional council is hereby adopted for the purposes  
and with the powers hereinafter set forth. The provisions of the  
Resolution shall be mutually binding among The City of Charlotte  
and any other County or  
Municipality of North Carolina which becomes a member of the said  
regional council by the adoption of a Resolution identical to this  
Resolution and any amendments thereto. Municipalities and Counties  
of South Carolina shall become members and are bound hereto by the  
adoption of Resolutions substantially identical hereto, due regard  
being made to the law of South Carolina and authority thereof.

ITEM 1

Name: The name of the Regional Council hereby established  
shall be THE CENTRAL PIEDMONT REGIONAL COUNCIL OF LOCAL GOVERNMENTS.

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## ITEM 2

Purposes: The Regional Council hereby established (hereinafter called the "Council") shall be a voluntary organization of local governmental units represented by elected members of the member units. The organization is to provide a framework in which matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning or regional development which affect two or more of the member governmental units may be discussed, studied and solutions proposed. When specifically granted the authority and funds by the local governmental units involved the Council shall have the power to implement courses of action relating to the matters within its jurisdiction. The Council may act in concert with and receive funds from the State or any agencies thereof, the Federal government or any agencies thereof, private or civic agencies or any other source in furtherance of the powers and duties hereinafter conferred.

The organization hereby created is not intended to be another level of government or a super-government, but an agency for the effective transmission of information, discussion and coordination among the member governments and an agency through which approved and coordinated multi-governmental actions may be taken.

## ITEM 3

Representation:

(a) Each member governmental unit shall be represented in the Regional Council by one delegate or his alternate. The delegates and alternates shall be elected members of the governing bodies of the member governmental units. The delegates and alternates may be selected from among the elected officials of the governing bodies by the member governing bodies in any manner consistent with law and the regulations governing such body. After the delegate from each member governmental unit has been selected, any or all of the remaining members of that governmental unit may be named as alternates.

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(b) Each delegate shall serve for a term of one (1) year to begin the first day of January each year, unless he shall sooner resign, die, become incapable of performing the duties of his office, shall be removed by the governing body of the member unit for good cause shown or shall no longer be an elected official of a member governmental unit. All terms shall expire on December 31 of each year regardless of the date of appointment. Any unexpired term shall be filled by the governing body of the member unit in the same manner as provided by law or regulation for the selection of the delegate. A delegate may succeed himself so long as he is eligible to be a member of the Council.

## ITEM 4

Voting: Each delegate or his alternate shall be entitled to one vote on all matters coming before the Council or before any committee of which he is a duly appointed member, either in person or by proxy.

## ITEM 5

New Members: Any local governmental unit within the region shall be entitled to become a member of the Council at any time after the adoption of this Resolution by the original members hereto by adopting a Resolution identical to the provisions of this Resolution and any amendments thereto then in force and upon the approval of the Council of the application, the approval to consist of the affirmative vote of at least three-quarters of the delegates to the Council.

## ITEM 6

Withdrawal: Any member governmental unit may withdraw from the Council at the end of any fiscal year, provided notice of intent to withdraw is given to each of the other member governmental units or is given at a meeting of the full Council at least sixty days prior to the end of the fiscal year. The requirement of notice may be waived by the local governmental units or by affirmative vote of three-fourths of the delegates to the Council.

## ITEM 7

Powers and Duties:

(a) The Council shall have the power:

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(1) To study such of the following area governmental problems common to two or more member governmental units as shall come before the Council or any committee thereof: matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning or regional development.

(2) To promote cooperative arrangements and coordinated action among member governmental units in the matters enumerated in (a) (1) above.

(3) To make recommendations for review and action to member governmental units and other public agencies which perform functions within the region in which member governmental units are located.

(b) The Council may exercise such other powers as are exercised or capable of being exercised by member governmental units and necessary or desirable for dealing with problems of mutual concern, and which powers are delegated to the Council by local governmental units by resolution duly adopted.

(c) The Council may, within budgeted funds available to it:

(1) Hire and fix the compensation of such employees as may be necessary in order for it to perform the duties and functions specified in this Resolution or amendments thereto, or resolutions delegating power to the Council.

(2) Contract with consultants and other experts for such services as may be required in order for it to perform the duties and functions specified in this Resolution or amendments thereto, or resolutions delegating power to the Council.

(3) Contract with the State of North Carolina, South Carolina, or the Federal government, or any agency or department thereof, for such services as may be provided by such agencies to assist it in performing the duties and functions specified in this Resolution or amendments thereto or resolutions delegating power to the Council.

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(4) Contract with any member governmental unit for the services of any officers or employees of such unit useful to it in performing the duties and functions specified in this Resolution or amendments thereto or resolutions delegating power to the Council.

(5) Fix compensation of delegates or their alternates and provide for reimbursement of expenses of delegates or their alternates.

(d) The Council shall have the power to create such committees as it deems necessary to exercise the powers granted to the Council herein in dealing with problems or problem areas that do not involve all the members of the Council; provided that at least one delegate from each governmental unit affected by the problem or problem area to be delegated to a committee is entitled to be a member of that committee; and provided further that any two or more delegates from two or more governmental units shall have the right to petition the Council to form a committee to exercise the powers of the Council with reference to any problem within the jurisdiction of the Council and which problem or problem area affects the governmental units represented by the petitioners, unless the Council shall reasonably determine that the problem or problem area in question should be assigned to a committee previously formed, and in which case the petitioning delegates shall be entitled to be members of said committee. The subject matter over which any committee has jurisdiction to exercise the powers of the Council may be enlarged or restricted by the Council, provided that there exists or there shall be formed a committee to exercise the powers of the Council for any problem or problem area within the jurisdiction of the Council for which two or more delegates from two or more governmental units have petitioned the Council for attention and which area needs continued attention. Subject to the right of a delegate to be a member of a particular committee in which his governmental unit has an interest, the chairman of the Council shall appoint the members to the committees.

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(e) Any committee formed pursuant to the above paragraph shall have and may exercise all of the powers of the Council with reference to the subject matter delegated to the committee, except that no committee shall have power to create or maintain a separate fund or budget for its sole operations. Any committee shall make such reports of its activities as is directed by the Council.

(f) The Council may accept, receive and disburse in furtherance of the duties and functions specified in the resolutions under which it operates any funds, grants, and services made available by the State of North Carolina, or the State of South Carolina or their agencies, the Federal government and its agencies, any municipality or county or other governmental unit, whether or not a member of such Council, and private and civic sources. No committee of the Council shall have such authority, and such authority may not be delegated by the Council, but duly authorized committees may exercise all other powers of the Council with respect to the revenues budgeted for their uses by the Council.

(g) In addition to the power to form the committees for the purposes and with the powers named above, the Council or any committee shall have the power to appoint advisory committees from among its delegates to study and recommend courses of action to the full Council affecting the operation or administration of the Council or committees thereof. The members of the advisory committees shall be appointed by the chairman of the Council or committee creating it and shall have only those powers specifically delegated to it by the creating Council or committee.

(h) The Council and any committee thereof shall have the power, subject to the other provisions of this Resolution or amendments hereto, to meet with, consult with and act in concert with any county or municipality or any agency of the State, Federal government, civic organization, private organization or any other in the furtherance of the purposes and objects within its jurisdiction.

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(i) The Council or any committee thereof shall adopt such rules and regulations for the conduct of its business as it may deem necessary for the proper discharge of its specified duties and the performance of its specified functions, so long as said rules and regulations are not inconsistent with Article 8A of Chapter 160 of the General Statutes of North Carolina or, where applicable, to the law of the State of South Carolina, or this Resolution or amendments thereto.

## ITEM 8

Organization and Administration:

(a) A duly constituted meeting of the Council or any committee thereof shall be a regularly scheduled meeting or a special meeting called by the chairman provided that notice of the time and place of such meeting, whether it be a regularly scheduled meeting or a special meeting, shall be mailed to each delegate at his address listed with the Council at least seven days prior to the date of such meeting, and provided a quorum is present. The notice requirement may be waived by any or all delegates. Attendance at any meeting shall be deemed a waiver of the requirement of notice as herein set out. Notice shall be deemed given upon the deposit in the U. S. mail of such notice, postage paid, addressed to each delegate at his address that appears on the records of the Council.

(b) A quorum shall consist of a majority of the delegates entitled to vote at any duly constituted meeting of the Council or a committee thereof. Delegates may be present either in person or by proxy for the purposes of establishing a quorum, but a meeting of the Council or any committee thereof at which the quorum was established with the aid of proxies, shall have authority and power to act only with relation to or on those items specifically set out in the notice required in paragraph (a) of this Item. Once established, a quorum shall not be destroyed if the number of delegates in attendance becomes less than a majority, except as hereinabove provided.

(c) Except as otherwise provided herein, the affirmative vote of a majority of the delegates voting on an issue at any duly constituted meeting shall constitute the act of the Council or any committee thereof.

(d) The Council shall select from among its members a chairman, vice-chairman, treasurer, secretary and such other officers and deputy

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officers as from time to time are deemed necessary by the Council. The duties of the officers shall be as set out in the rules and regulations established by the Council. The term of office for an officer shall be one year; but any officer may remain in office until his successor is appointed so long as the officer remains a member of the Council. The Council shall fill any office vacated for the unexpired term.

(e) Any committee established shall select from among its members a chairman and vice-chairman and any other officers and deputy officers as from time to time are deemed necessary by the committee. The duties of the officers shall be as established by the rules and regulations of the Council or the committee.

(f) The Council shall meet at least quarterly in regular meetings and in special meetings at the call of the chairman. All meetings of the Council, whether regularly scheduled or special, shall be open to the public.

(g) Each committee shall meet at least twice each fiscal year on the call of the chairman or upon the call of a majority of the members of the committee. All meetings shall be open to the public.

#### ITEM 9

##### Financial:

(a) The general operating expenses of the Council shall be paid from funds paid to the Council by each member governmental unit. The assessment to each member governmental unit shall be made upon a per capita basis of the population (based upon the most recent U. S. Government census) within the bounds of each member governmental unit. No reduction or exception shall be made in instances where the population figures of two or more governmental units reflect an overlapping population.

(b) All expenditures of the Council for special projects of the Council or any committee thereof shall be paid from revenues paid in advance by the member governmental units directly involved in such project and paid especially for such special projects and from any other funds made available for such projects from any other source whatsoever. All such revenue shall be credited to a special revenue account and all expenditures charged to a special expenditure account so that an exact cost accounting may be made at the completion of any project. In no case shall other general fund revenues



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be used to pay any special project costs. In the event advance payments made by member governmental units exceed the actual cost of a special project, the excess shall be refunded to the contributing member units. Any deficit shall be made up by the contributing member governmental units participating in said special project.

(c) The budget for the Council for the ensuing fiscal year shall be set upon the approval of seventy-five (75%) per cent of the delegates present and eligible to vote at a duly constituted meeting of the Council at which the budget has been scheduled to be voted upon and notice thereof has been given in the notice of meeting required in Item 8(a). The Council shall set the share of the general operating expenses for each member governmental unit to be paid upon the aforesaid per capita basis.

(d) The budget for the Council shall be established and the share to be paid by each member governmental unit for the general operating expenses shall be set each year in such time that the appropriate budget requests can be timely made to the various member governmental units, provided that the Council shall publish or cause to be published a budget estimate, indicating each member governmental unit's estimated share thereof on or before the first day of April of each year if the actual budget shall not have been established by that date.

(e) The budget, when set as herein prescribed, may be amended by the Council by approval of seventy-five (75%) per cent of the delegates present and eligible to vote at a duly constituted meeting of the Council provided the required seven days' notice to each delegate shall have been given, and provided said notice shall state in detail the proposed terms of the amendment and the reasons therefor.

(f) When the budget has been established as herein prescribed, the portion thereof to be paid by each member governmental unit for the general operating expenses of the Council, unless it shall withdraw pursuant to Item 6 herein, if not timely paid, shall become a claim enforceable in an appropriate court of law by the Council or by any other governmental unit for the benefit of the Council, against such defaulting member governmental unit.

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All revenues pledged by any member governmental unit for a special project not paid in advance, or any deficit incurred by the Council in completing a special project authorized by its member governmental units, shall become claims enforceable by the Council in an appropriate court of law by the Council or by any other governmental unit for the benefit of the Council against such defaulting member governmental units.

(g) All revenues paid to the Council by member governmental units and all other sources whatsoever shall be deposited in the general fund of the Council, and separate revenue and expenditure accounts shall be maintained for each phase of operation of the Council to the extent required by sound accounting practices, to include, but not be limited to such accounts for the general operating expenses of the Council and each special project undertaken by the Council or any committee thereof.

(h) The general operating expenses of the Council shall include, but not necessarily be limited to: providing meeting and office space or other such physical facilities needed by the Council or any Committee thereof; providing compensation for the director and other administrative personnel hired by the Council; providing the necessary legal and accounting or other professional services; providing furniture and equipment; paying those special consultants, temporary employees and contractors duly authorized by the Council; reimbursing expenses of delegates or their alternates, or employees, etc., where duly authorized; etc. Any surplus funds in the general operating expense account at the close of any fiscal year shall be returned to the contributing member governmental units or credited to their assessment for the next fiscal year in the same proportion as each member governmental unit contributed to such account. All other funds shall be held and disbursed as otherwise herein provided or as directed by the contributing source.

(i) The fiscal procedures of the Council shall substantially comply with the Municipal Fiscal Control Act and the County Fiscal Control Act of North Carolina.

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(j) The Council shall prepare or cause to be prepared annually a complete report of its activities, to include an audited financial statement. For purposes of preparing this report, each committee shall submit an activity report to the Council at such time as the Council prescribes, and the Council shall then prepare the consolidated report and financial statement.

(k) All services of personnel, use of equipment, office space and any other valuable service rendered the Council by any member governmental unit may be reimbursed to said unit provided budgetary provisions have been made therefor. It shall be the duty of the Council to establish the value of such services.

## ITEM 10

Severability: If any Item, paragraph, sentence or phrase of this Resolution shall be declared by any court of competent jurisdiction to be in violation of the Constitution of North Carolina or any other laws of the State, or the Constitution of South Carolina or any other laws of the State, which would make void such part of this Resolution, except if the remaining portions clearly are inconsistent with or are insufficient to implement the intent and purposes hereof, this Resolution shall be considered to be severable so that the validity of the remaining portion of the Resolution shall not be affected.

Approved as to form:

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Acting City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 1st day of July, 1968, the reference having been made in Minute Book 50, and recorded in Resolutions Book 6, beginning at page 160.

Ruth Armstrong  
City Clerk

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR URBAN BEAUTIFICATION GRANT.

WHEREAS Title IX of the Housing and Urban Development Act of 1965 amends Title VII of the Housing Act of 1961 and provides for the making of grants by the Department of Housing and Urban Development to States and local public bodies to assist them in the beautification and improvement of open-space and other public urban land where such assistance is needed for carrying out a local program which is important to the comprehensively planned development of the locality; and

WHEREAS, the City of Charlotte desires to beautify and improve open-space and other public urban land to facilitate their increased use and enjoyment; and

WHEREAS, Title VI of the Civil Rights Act of 1964 and the regulations of the Department of Housing and Urban Development effectuating that Title prohibit discrimination on the basis of race, creed, color, or national origin in the use of all facilities and improvements provided by Federal assistance; and

WHEREAS, the City of Charlotte is cognizant of the conditions that are imposed in the undertaking and carrying out of programs assisted under Title VII of the Housing Act of 1961, as amended, including those relating to labor standards and equal employment opportunity; and

WHEREAS, it is estimated that the cost of the activities proposed to be carried out in performance of beautification and improvement of open-space and other public land exceeds the usual expenditures of the City of Charlotte for comparable activities by approximately \$183,700.00

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

1. That an application be made to the Department of Housing and Urban Development for a grant in an amount authorized by Title VII of the Housing Act of 1961, as amended, for urban beautification and improvement of open-space and other public urban land, which amount is presently estimated to be \$92,345.00, and that the City of Charlotte will provide the balance of the cost.
2. That the City Manager is hereby authorized and directed to execute and to file such an application with the Department of Housing and Urban Development, to provide additional information and to furnish such documents as may be required by said Department, to execute such contracts as are required by said Department, and to act as the authorized correspondent of the City of Charlotte.
3. That the proposed urban beautification activities are in accordance with the beautification program prepared by the City of Charlotte, of importance to the comprehensively planned development of the locality, and that, should said grant application be approved, the City of Charlotte will undertake, carry out, and complete said urban beautification activities designated in said application and approved by the Department of Housing and Urban Development.
4. That the United States of America and the Secretary of Housing and Urban Development be, and they hereby are, assured of full compliance by the City of Charlotte with regulations of the Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964.

Approved as to form:

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Acting City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 1st day of July, 1968, the reference having been made in Minute Book 50, and recorded in Resolutions Book 6, at page 171.

Ruth Armstrong  
City Clerk