

COUNTY AND MUNICIPAL GOVERNMENT IN NORTH CAROLINA

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Edited by Frayda S. Bluestein



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Preface

Counties and municipalities are the primary forms of local government in North Carolina. The state has 100 counties and 553 cities. Everyone in the state lives in a county, and just over half of the people in the state live in a city (municipalities in North Carolina may be called cities, towns, or villages, but these different names do not denote any legal or structural differences). North Carolina cities range in population from 22 to 732,422, and 421 of the 553 cities have populations of less than 5,000. While the issues they face and their administration and policies may vary, the legal framework that governs counties and cities, respectively, is the same all across the state, regardless of the size of the unit. This book describes that legal framework and common administrative practices that are currently in use. It explains what counties and cities in North Carolina do, and how they do it.

The book is designed primarily to meet the needs of elected and appointed county and city board members and the employees who, on a day-to-day basis, carry out the functions mandated and authorized for North Carolina local governments. We hope that it will also appeal to a broader audience, including citizens, civic leaders, high school and college students, state employees, legislators, members of the media, and any others who need basic information about the legal authority and responsibilities of North Carolina counties and cities.

Subjects included in this book are described in general rather than detailed terms, in keeping with its purpose of providing an overview and basic information. Most of the chapters include references to additional materials and resources related to the topic. More detailed treatments of many of the book's topics are available in other School of Government publications, including *Public Records Law for North Carolina Local Governments*, *Open Meetings and Local Governments in North Carolina*, *Fundamentals of Property Tax Collection Law in North Carolina*, *Introduction to Local Government Finance*, and *A Legal Guide to Purchasing and Contracting for North Carolina Local Governments*.

The law governing county and municipal government changes constantly. New cases are handed down by state and federal courts, and state laws, which define and control local government authority, are constantly evolving. Legislative developments affecting North Carolina local governments are particularly in flux as this edition is being released. For that reason, some content that has appeared in previous editions has been omitted. Most notably, there is no chapter on environmental regulation, as this area of statutory and administrative law will be substantially reshaped over the next several years.

The School of Government has developed several resources to help public officials and others interested in local government stay informed. Its local government law blog, *Coates' Canons* (canons.sog.unc.edu), provides legislative and case updates; answers to frequently asked questions; and other short, substantive explanations of local government law issues. In addition, the School publishes several bulletin series, including *Local Government Law Bulletin*, *Property Tax Bulletin*, and *Local Finance Bulletin*. Interested readers may subscribe to the blog and may view the bulletins online to learn about recent developments in the law. They may also subscribe to a listserv to receive information about new School of Government publications. Visit the School's website at www.sog.unc.edu for details.

The first versions of these materials were created for use in courses for newly elected county and city officials in 1969, and previous versions of this publication have included multiple editions of separate books on county and municipal government in North Carolina. In 2007, the separate publications were merged and released as one book for the first time. The chapters in the earlier versions were primarily authored by Institute and School of Government faculty members along with several outside authors, all of whom generously contributed their knowledge and experience to the effort. This second edition of the combined county and municipal government book reflects, and in some cases incorporates, the earlier work of previous authors. We are indebted to them for their contributions to this important resource.

I want to especially acknowledge the contributions of the previous editors of the earlier versions of this publication: Warren Jake Wicker, Joseph S. Ferrell, David M. Lawrence, and A. Fleming Bell, II. These former faculty members epitomize the best of what the Institute and School of Government has sought and valued in its faculty. They were experts in their fields, generous with their time, committed to the mission of service to the State of North Carolina and its people, and dedicated to high quality, responsive, practical scholarship. This edition includes the work of many new faculty members who are continuing in the tradition of excellence modeled by those who came before.

This publication also would not have been possible without the incredible work of the School's publications staff: Nancy Dooly, Owen DuBose, Jennifer Henderson, Katrina Hunt, Kevin Justice, Daniel Soileau, Melissa Twomey, Leslie Watkins, and Lisa Wright. This book, and the process of creating it, was significantly improved by their creativity, professional expertise, attention to detail, flexibility, and patience.

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