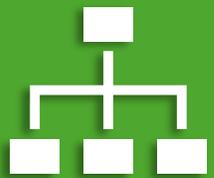


Civics 101

Kara A. Millonzi

Robert W. Bradshaw Jr Distinguished Professor of Public Law and Government
UNC Chapel Hill School of Government



Structure



Regulations



Services



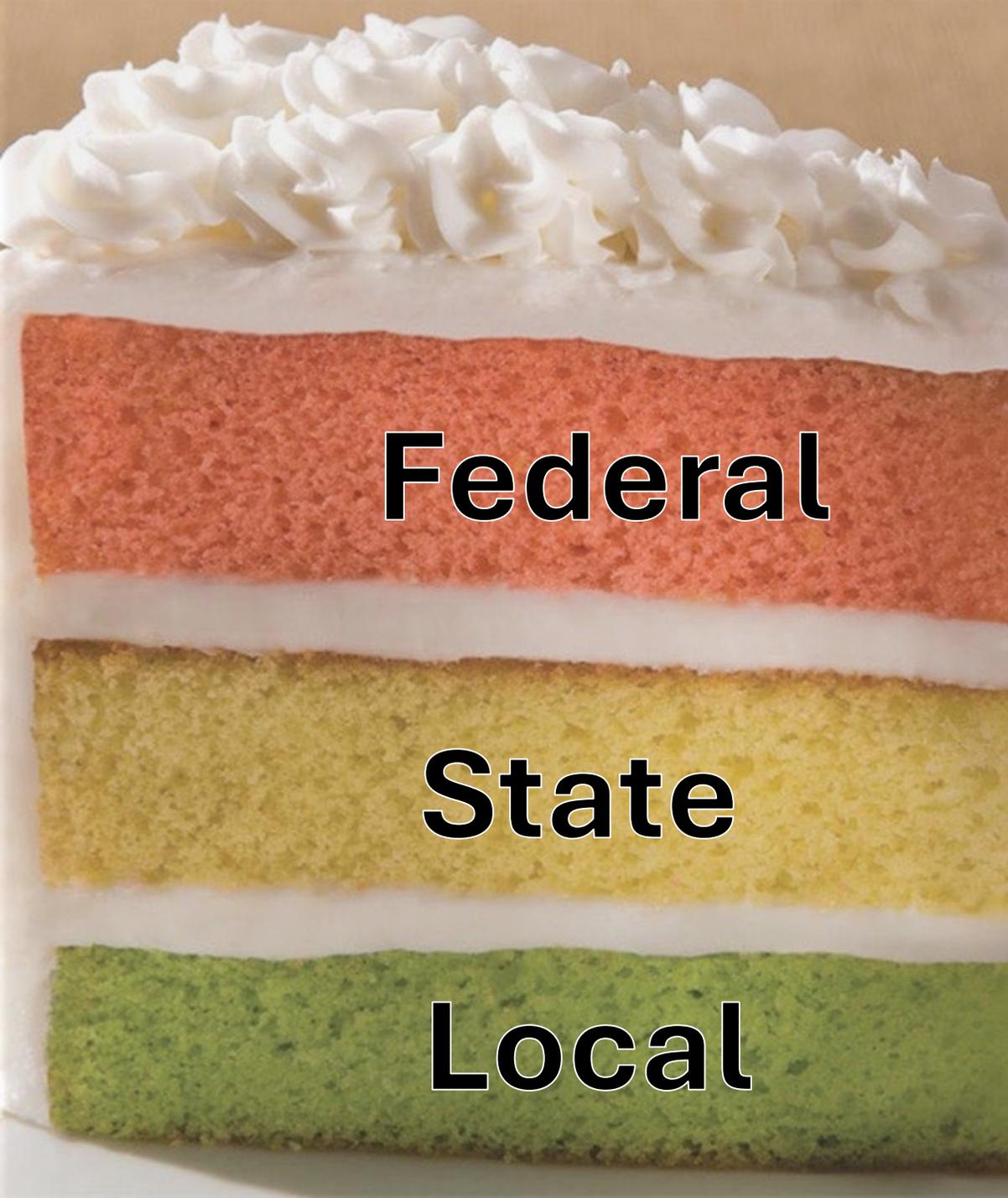
Funding



Relationships



Transparency



Federal

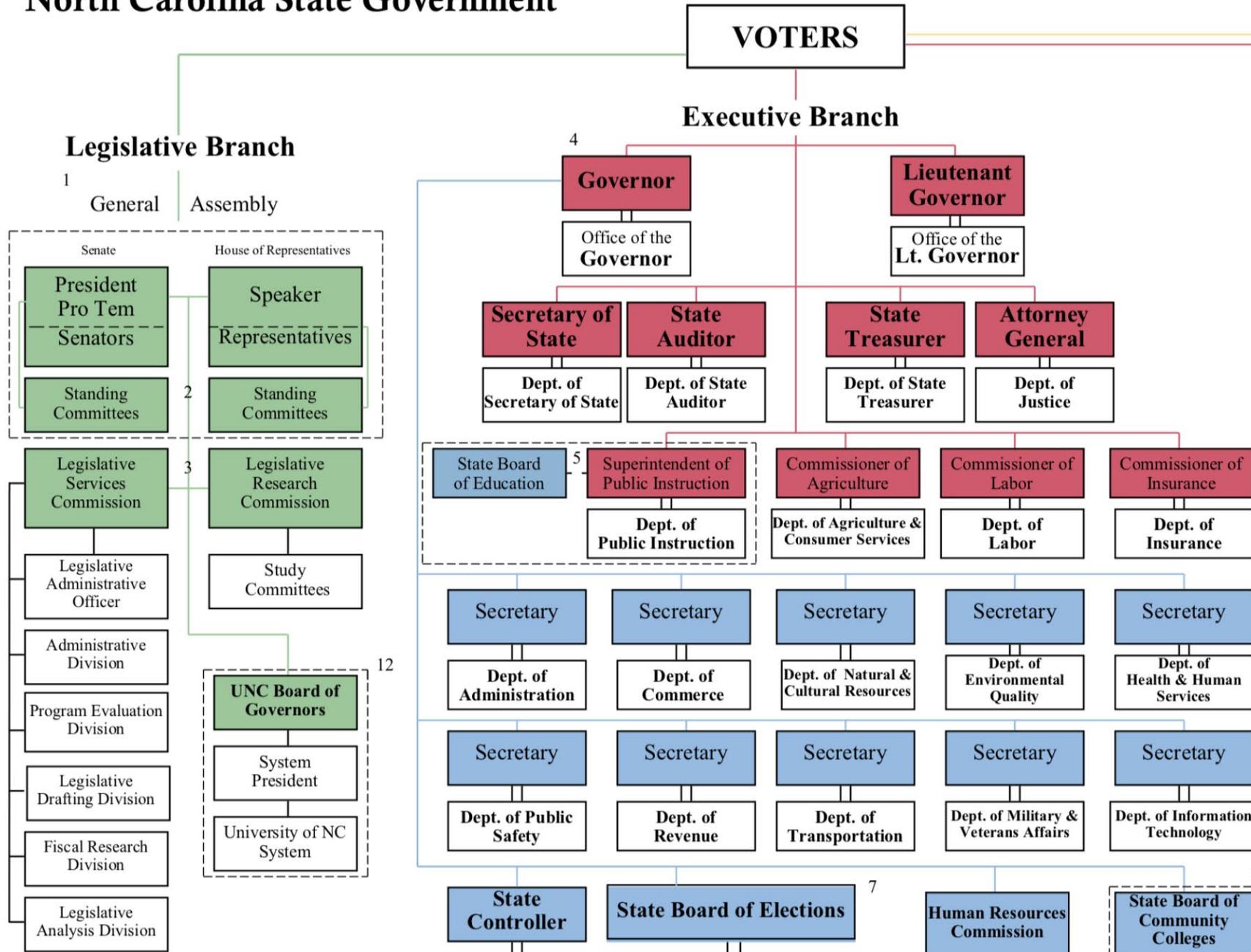
State

Local

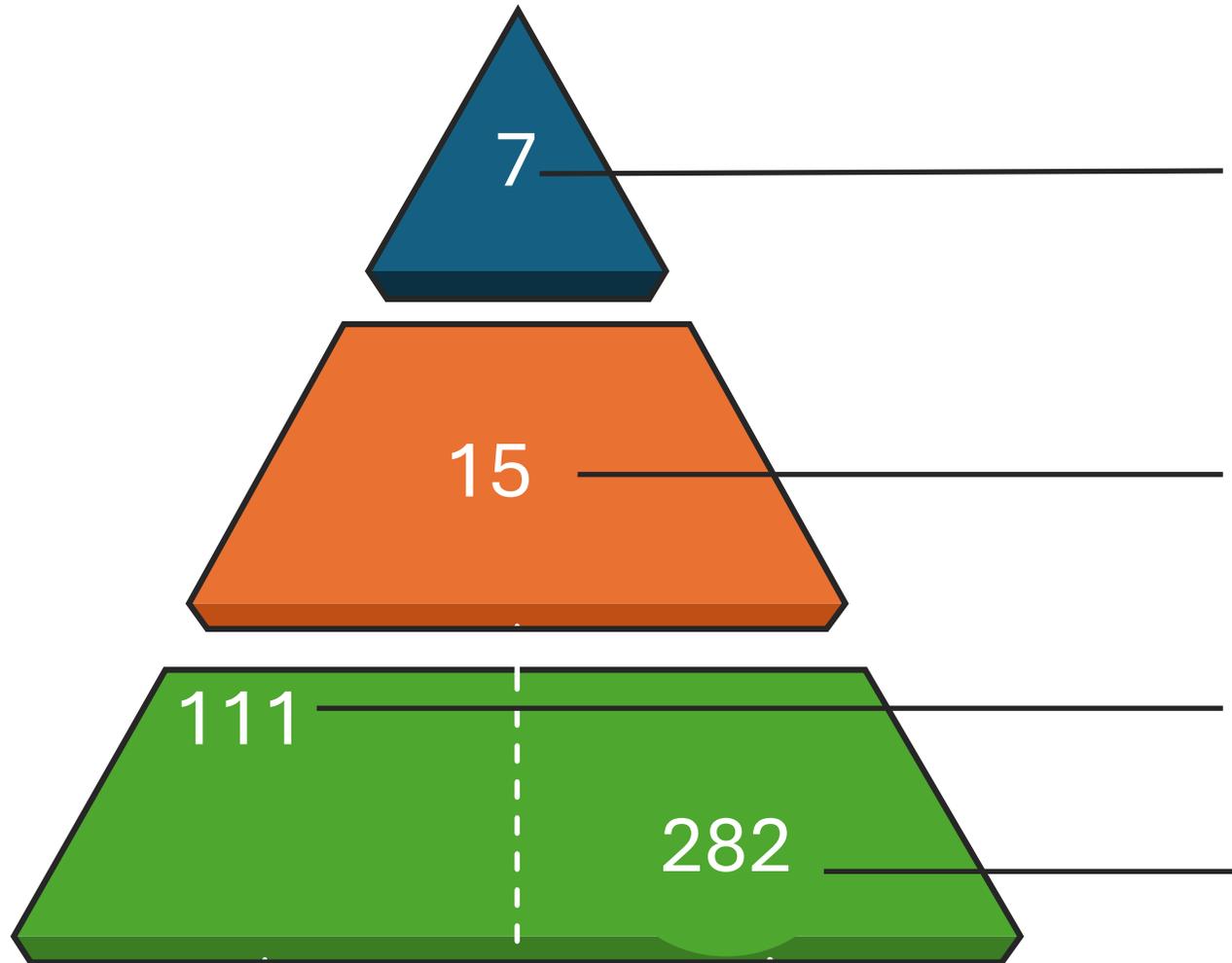
- Most Powerful?
- Most Important?
- The Best?

The Reality

Organizational Chart of North Carolina State Government



NC Judicial System



Supreme Court

Court of last resort in the state, meaning it is the highest appellate court and its decisions are final. Partisan elections, 8-year terms

Court of Appeals

Intermediate appellate court. Its role is to review decisions made by trial courts (district and superior courts) to ensure that the law has been applied correctly. Sit in panels. Partisan elections, 8-year terms

Superior Court

General jurisdiction over civil and criminal cases. Organized by district. Partisan elections, 8-year terms

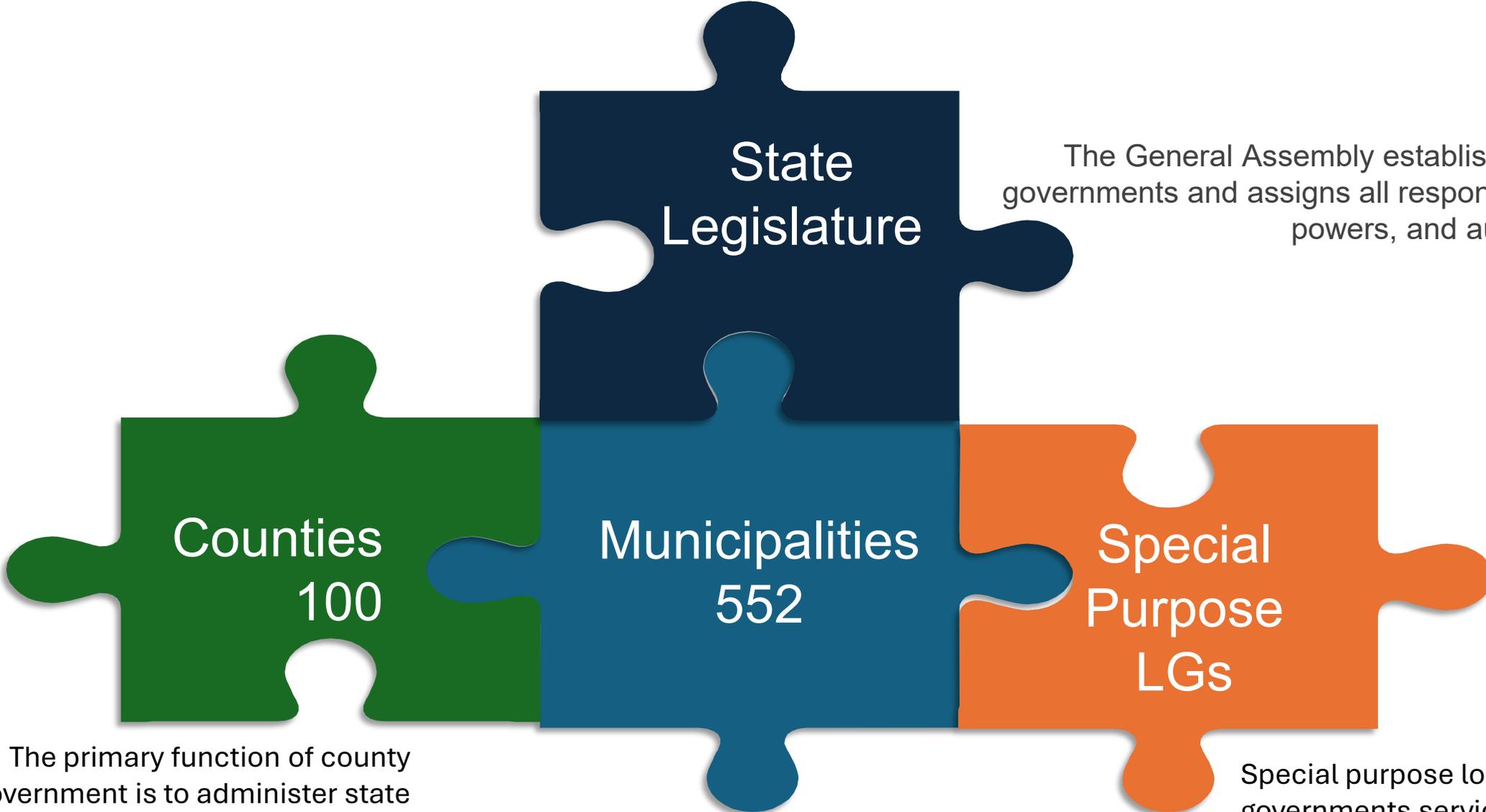
District Court

handle cases involving family law, civil cases (with lower monetary limits), and criminal misdemeanors. Partisan elections, 4-year terms

694 Magistrates

100 Clerks of Superior Court
(Court of Probate)

[Court System Quick Facts](#)



State Legislature

The General Assembly establishes local governments and assigns all responsibilities, powers, and authorities

Counties 100

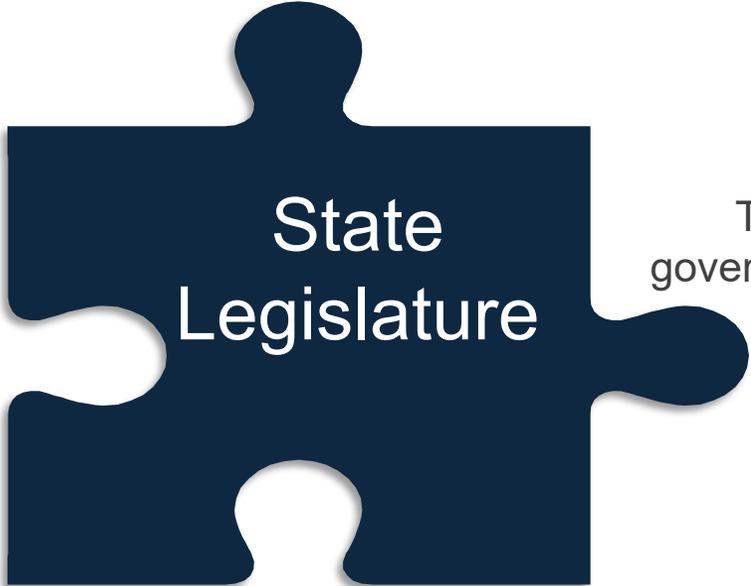
The primary function of county government is to administer state programs. But county government also serves as the local government for unincorporated territory.

Municipalities 552

The purpose of municipal government is to provide additional services and regulatory activities in incorporated areas (beyond state- and/or county-wide programs).

Special Purpose LGs

Special purpose local governments service one or a few purposes and often operate on a regional basis.



The General Assembly establishes local governments and assigns all responsibilities, powers, and authorities

Water and sewer authorities

Soil and water conservation districts

Housing authorities

Sanitary districts

Redevelopment commissions

Councils of governments

Area mental health authorities

Regional libraries

Planning and economic development commissions

Transportation authorities

Recreation districts

Local school administrative units



Special purpose local governments service one or a few purposes and often operate on a regional basis.

Purpose of Local Government



Community Vision

Regulation

Services

Community Assistance

Economic Development

Law Enforcement

Education

Local Government Powers & Authority

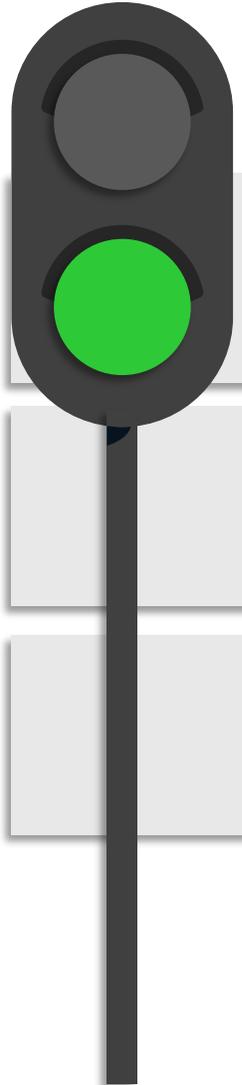
Non-Home Rule
State



A local government must have statutory authority to undertake any activity.

Local Government Powers & Authority

Grants of Authority



General Laws

Local Acts

Charter Provisions

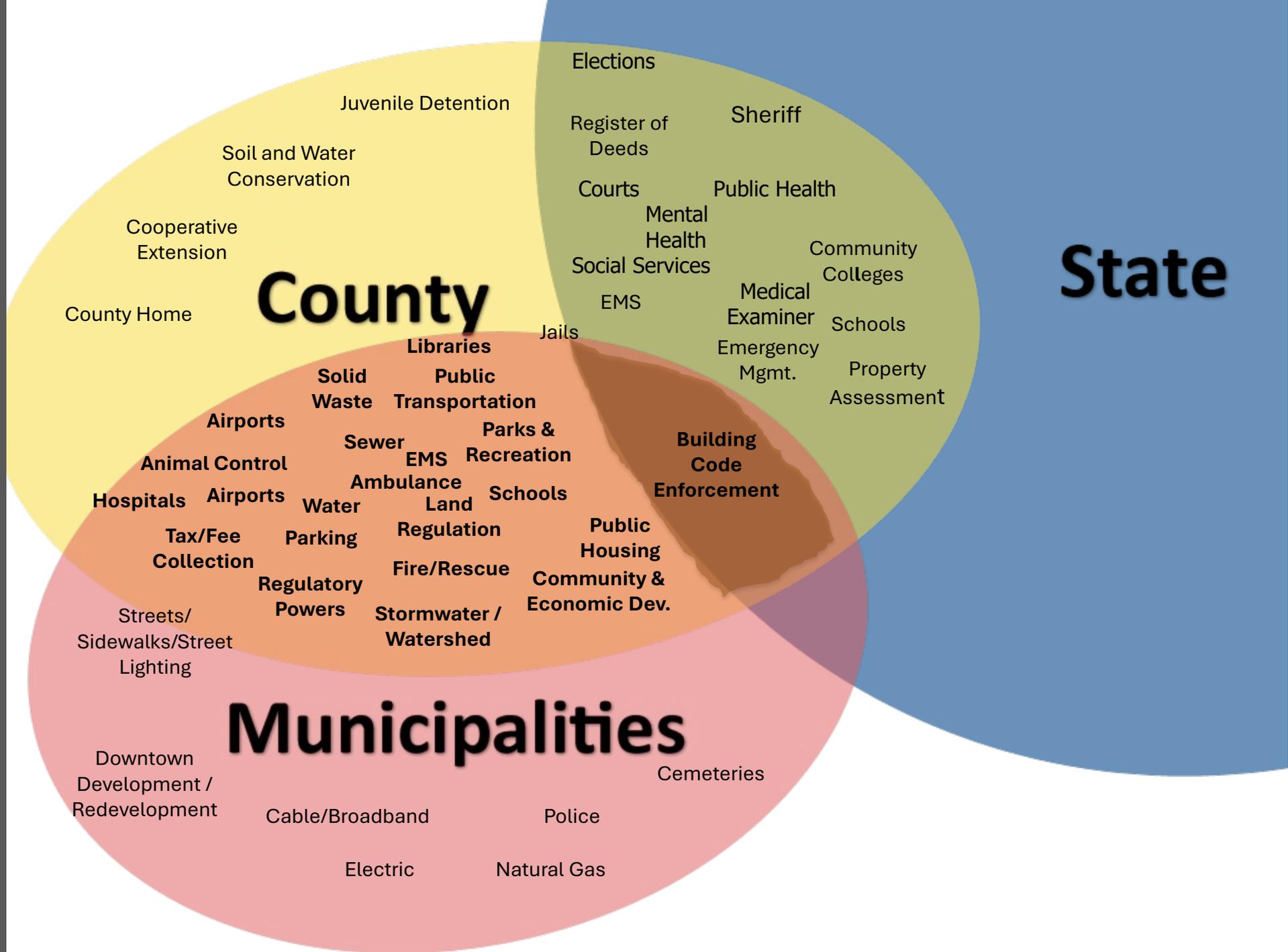
Grant authority to undertake an activity

Grant authority to use a specific funding source for an activity

Set limitations on undertaking an activity

Detail process requirements for undertaking activity

MAJOR COUNTY & MUNICIPAL FUNCTIONS



General purpose functions are the main activities of the local government. They are budgeted for and accounted for in the general fund.

General Government

- Law enforcement
- Land use planning
- Local regulation
- Parks & recreation
- Fire
- Community & economic development
- Human services
- Elections
- Register of deeds
- Education
- Libraries
- Parking
- Public Housing

Public Enterprises Counties

- Water
- Sewer
- Solid Waste
- Stormwater
- Public Transportation
- Airports

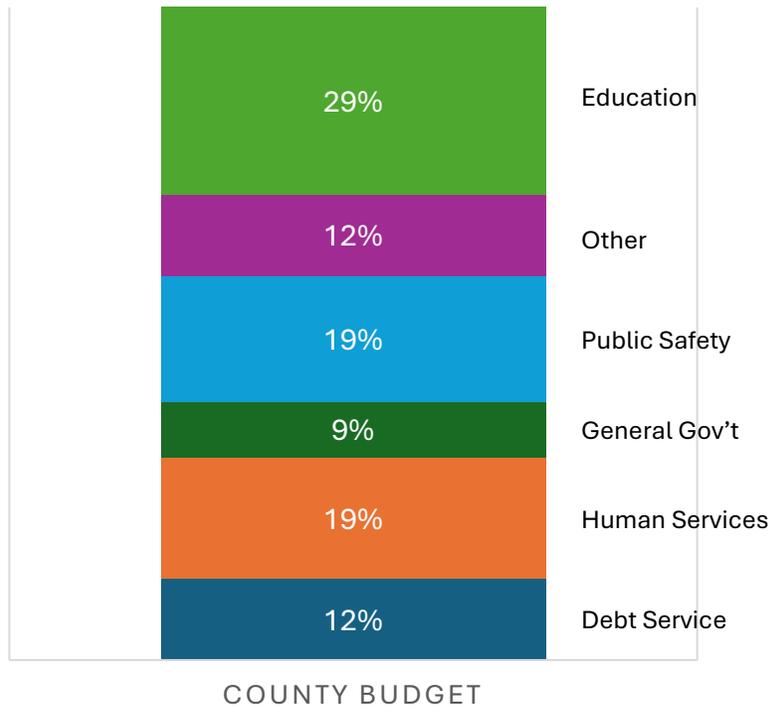
Public Enterprises Municipalities

- Water
- Sewer
- Solid Waste
- Stormwater
- Public Transportation
- Airports
- Electric
- Natural Gas
- Cable Television

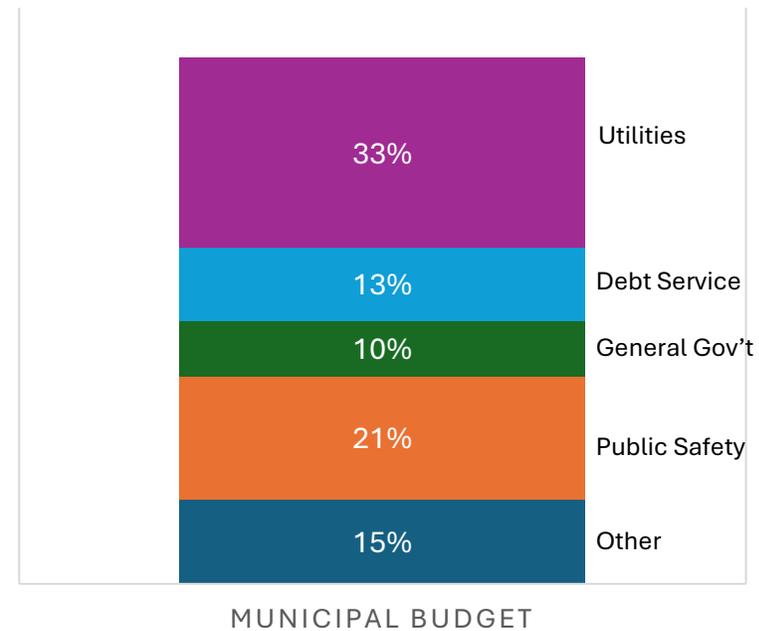
Public enterprise functions involve the local government acting more like a private service provider. They are budgeted for and accounted for in an enterprise fund and, in most cases, should be self-supporting.

Local Government Expenditures FY 2023-24

AGGREGATE COUNTY APPROPRIATIONS



AGGREGATE MUNICIPAL APPROPRIATIONS



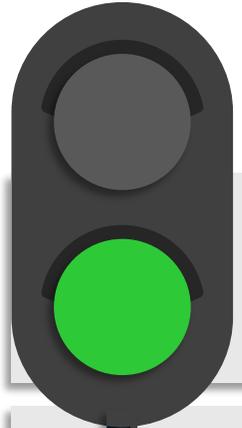
No Duty of Equal Service

“While it is very true that there **must be equality and uniformity in imposing the burden of taxation** upon property subject to it, so that each taxpayer shall pay the same proportionate tax on the same species of property taxed that every other taxpayer pays * * * **this rule of equality does not apply to the distribution of the revenue arising from such taxation.** * * The necessities, wants, purposes, and interests of government are such that it is practically impossible to distribute its revenues equally among those who pay taxes. Indeed, this cannot in most instances be approximately done, not even to the localities from which most of it is taken. The State may, sometimes must, expend large sums of money in one section for proper and necessary purposes while it expends very little in another, when perhaps the greater part of the taxes were paid by taxpayers in the latter. This is an essential inequality, arising from the diversified and multiplied wants and necessities of government. Its very nature renders such inequality necessary. A constitutional provision forbidding it would defeat, at all events greatly hinder, the purposes and aims of government.”

Holton v. Board of Commissioners of Mecklenburg County, 93 N.C. 430, 1885 (a statute had authorized a tax for public roads to be imposed upon all property in Mecklenburg County, and that no part of the tax be expended in the City of Charlotte for that purpose)

Local Government Powers & Authority

Grants of Authority



General Laws

Local Acts

Charter Provisions

- Limits on expenditures of public funds & other activities

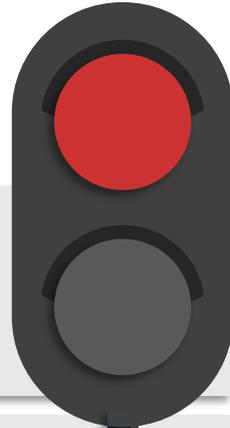
- Prohibit certain activities

- Protections for certain individuals and private activities

- Impose certain process requirements

- Pre-empt certain regulations

Limits on Authority



Federal Law

State Constitution

State Regulations



What Makes NC Local Government Unique?

- State has primary responsibility for funding education and highways
- Counties have primary responsibility for human services at the local level
- Counties have authority to provide most urban-type services
- Counties and cities have extensive authority to regulate and direct urban development
- Counties and cities have broad authority to enter interlocal agreements and form regional partnerships
- Heavy reliance on general-purpose local governments (counties and cities) to perform most local functions (e.g. schools do not have taxing authority)

Municipal Government

Council /
Manager Form
of Government

Council
delegates more
administration /
operations to
staff

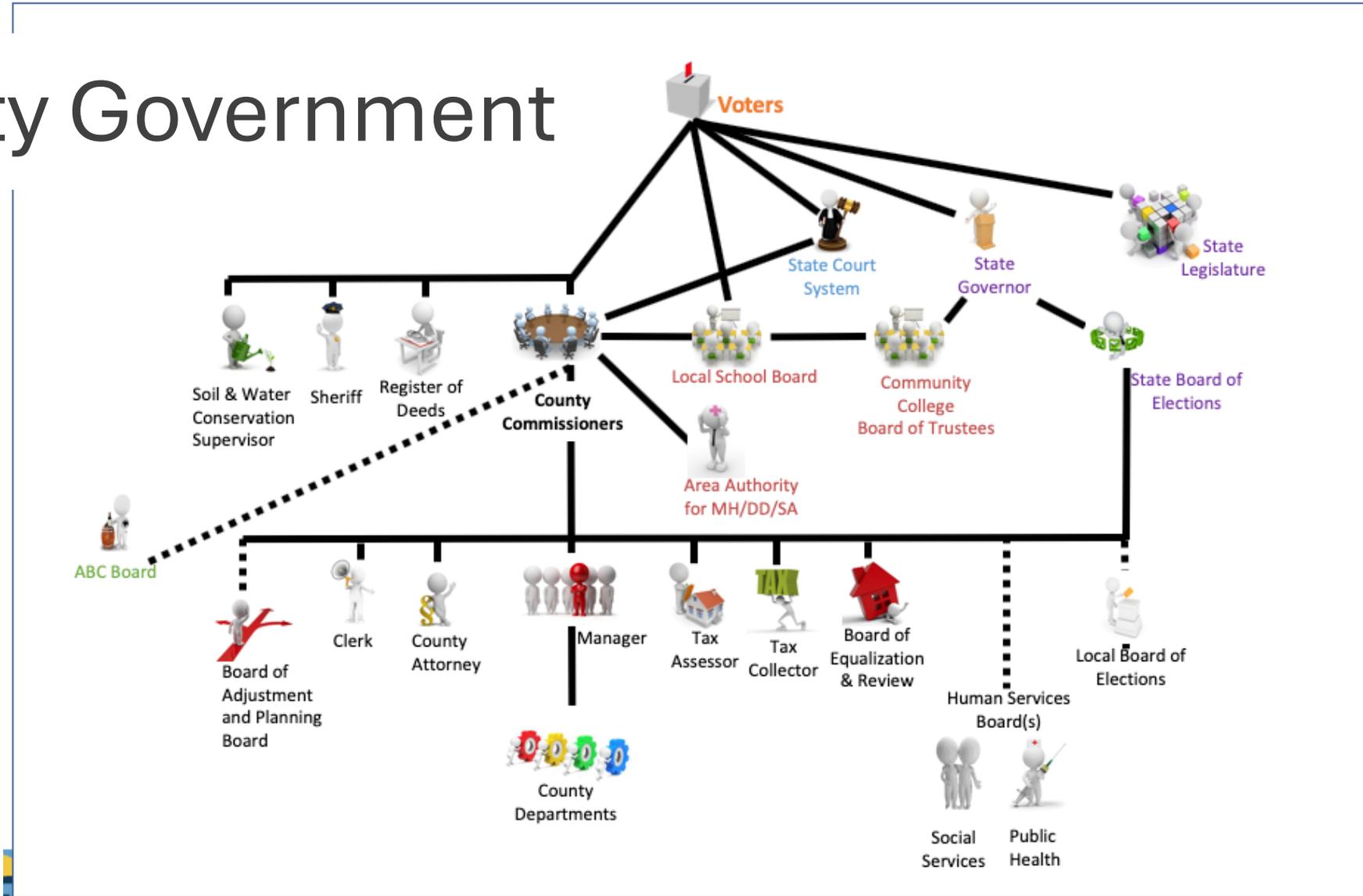


(Weak) Mayor /
Council Form of
Government

Council more
involved in
administration /
operations



County Government



But Who's In Charge?



“Except as otherwise directed by law, each power, right, duty, function, privilege and immunity of the corporation shall be exercised by the board of commissioners. A power, right, duty, function, privilege, or immunity shall be carried into execution as provided by the laws of the State; a power, right, duty, function, privilege, or immunity that is conferred or imposed by law without direction or restriction as to how it is to be exercised or performed shall be carried into execution as provided by ordinance or resolution of the board of commissioners.”

G.S. 153A-12

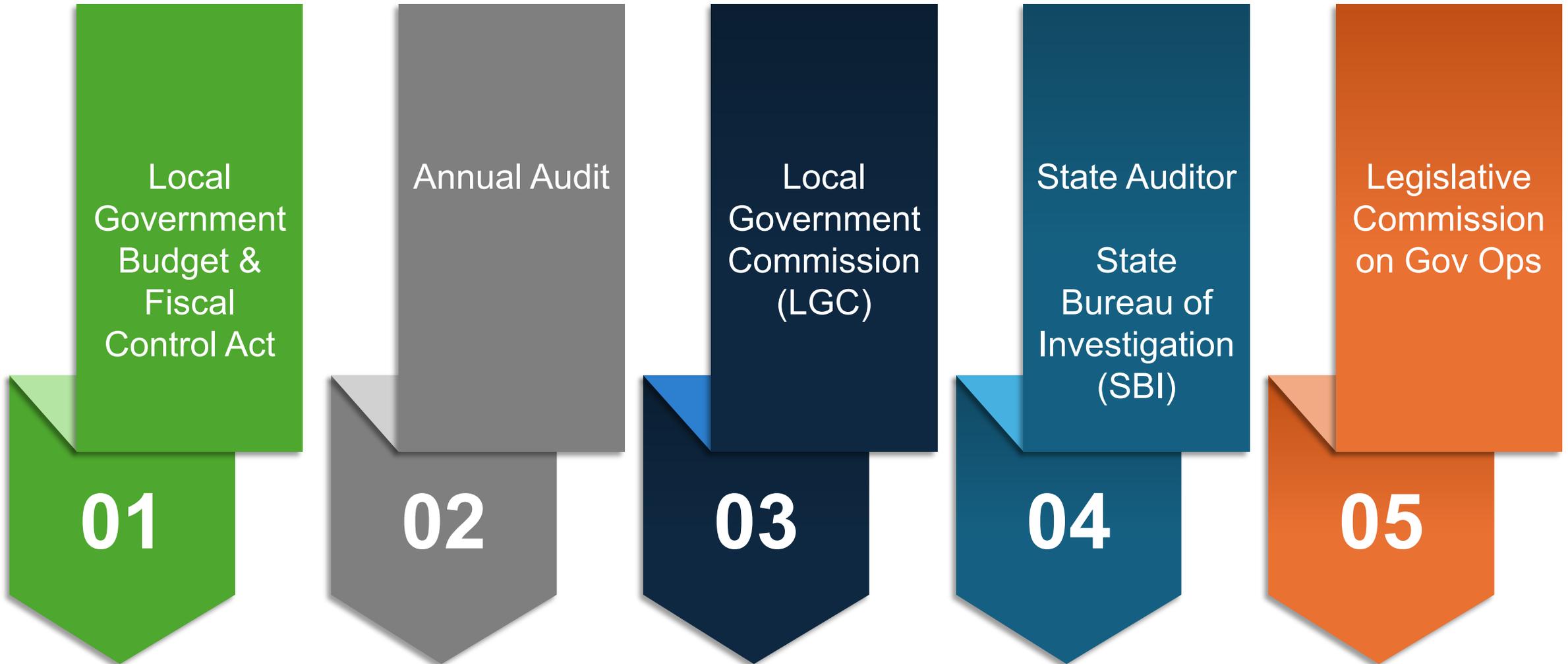
The Governing Board



But the statutes sometimes authority to undertake specific activities to other local government employees or officials. And, unless a statute specifies that the board must take the action, the board can delegate authority to any official or employee of the unit of government.

Accountability & Oversight

There are separate but overlapping mechanisms to ensure local government compliance with financial and other statutory requirements.



Local Government Commission

FINANCIAL OVERSIGHT

- Reviews all local government audits
- Follows up on FPICs
- Identifies units with financial issues – Unit Assistance List (UAL)
- Assumes control of local government finances in extreme circumstances

DEBT APPROVAL

- Approves many local government borrowings
- More stringent controls for local governments on UAL
- Generally, DOES NOT need to approve state loans to local governments, except DEQ loans

FINANCIAL RULES

- Adopts rules implementing statutory requirements related to cash management, disbursements, and audits

FINANCIAL SUPPORT

- Provides resources, trainings, and individual unit support where needed

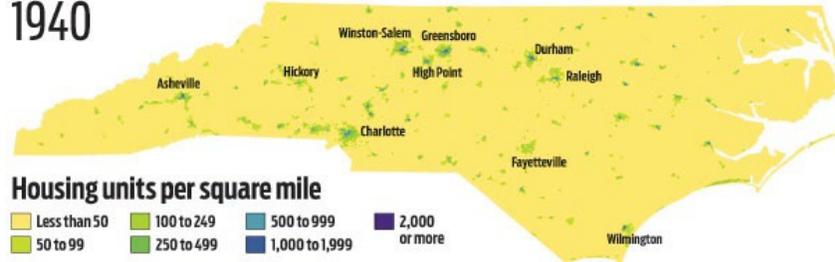


Regionalization

North Carolina's population footprint

A presentation by the Carolina Demography division of the Carolina Population Center at UNC Chapel Hill shows how the growth in state population and housing units since 1940 has been centered around North Carolina's three main urban hubs. By 2050, the projected housing unit growth will further intertwine the Charlotte, Triad and Triangle economies.

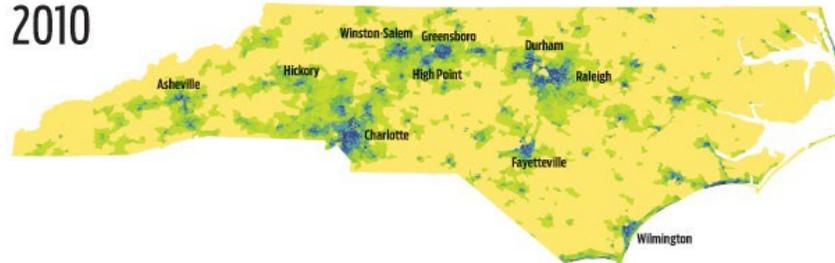
1940



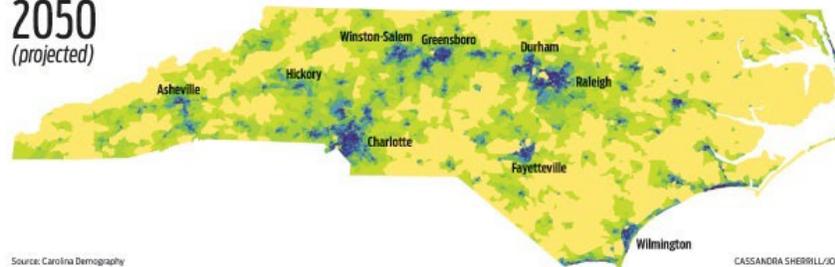
1970



2010



2050
(projected)



Source: Carolina Demography

CASSANDRA SHERRILL/OURI

How do we adapt our structures and functions to meet the evolving challenges?