

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 270
HOUSE BILL 637

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF KINSTON AND THE BOARD OF COUNTY COMMISSIONERS OF LENOIR COUNTY TO CREATE AND FIX THE POWERS OF THE LENOIR COUNTY DEVELOPMENT COMMISSION AND TO APPROPRIATE FUNDS FOR THE EXPENSES THEREOF.

The General Assembly of North Carolina enacts:

Section 1. (a) The City Council of the City of Kinston and the Board of Commissioners of Lenoir County may by joint resolution of said governing bodies, create a commission composed of residents of Lenoir County to be known as the Lenoir County Development Commission. Said commission shall consist of not more than 15 members, eight of whom shall be elected by the Board of Commissioners of Lenoir County and four of whom shall be elected by the City Council of the City of Kinston by a majority vote of the members of each of said governing bodies. Four of the members shall each be elected for a term of one year, four others shall be elected for a term of two years and the remaining four members shall each be elected for a term of three years. At the end of each respective term, the successor to the member whose term is expiring shall be elected for a term of three years so as to achieve staggered terms and so that not more than four terms shall expire during any current year. Any vacancy in the membership of said commission arising by resignation, death, physical or mental incapacity to perform the duties of the position, or by expiration of term shall be filled by the respective governing body which made the original appointment in the same manner as the original appointment. Nothing herein contained shall be deemed to disqualify any member of the Kinston City Council or Lenoir County Board of Commissioners, or any other official of said county or city, from membership upon the said commission or disqualify any member of the commission from reelection to succeed himself; provided, no member may serve more than two consecutive three-year terms. All terms of presently elected members shall expire September 30, 1985, and reappointment of present members or the appointment of new members for the original staggered terms as herein set forth shall be made not later than October 31, 1985.

(b) The Mayor of the City of Kinston and the Chairman of the Lenoir County Board of Commissioners shall serve as members of the commission during and by virtue of their respective terms and offices as Mayor and Chairman. Additionally, the Mayor and Chairman shall, during their terms on this commission, have the authority to jointly appoint one member to the commission for a term not to exceed three years. Such terms shall begin October 1 of the year of appointment and shall expire on

September 30 of the year of expiration. Any vacancy in said appointment shall be filled, if deemed in the best interest of the City, County and Development Commission, by the Mayor and Chairman within 30 days of the occurrence of the vacancy.

Sec. 2. After the original membership of said commission shall have been completed as hereinbefore provided and at the time of the holding of the first meeting, the commission shall by a majority vote select from its membership its own Chairman, Vice-Chairman and Secretary-Treasurer and shall draft and ratify its own bylaws and rules of procedure as well as such statement of policy as in the discretion of the commission should be stated and issued at that time. The commission member who shall be named Secretary-Treasurer shall, in addition to his duties as Secretary, have supervision of all funds administered by the commission. The Executive Director employed by the commission shall have authority to co-sign all checks, drafts, bills of exchange or any and all other negotiable instruments which shall properly be issued by the commission provided, however, such instrument must be co-signed by either the Chairman, Vice-Chairman, or Secretary-Treasurer of the commission. A surety bond may be required of the Executive Director and the Secretary-Treasurer in such amount as shall be required by the commission. A depository shall be designated by the commission for funds appropriated to it or otherwise made available for its use. No money, property or funds of the commission shall be used directly or indirectly as a subsidy or investment in capital stock or capital assets in any business, industry or business venture.

Sec. 3. The commission shall recruit, assist and encourage agricultural, commercial, industrial, manufacturing, marketing, assembly and other job-creating or job-retention activities, new business and industrial development based on either local or foreign capital, aid and encourage the location of agricultural, industrial, commercial, assembly, marketing and manufacturing enterprises in Lenoir County, make industrial surveys and undertake or participate in any activity related, necessary or convenient to industrial development in Lenoir County which may be deemed desirable by the commission.

The commission shall have responsibility for and supervision of all authorized and related activities in furtherance of its purposes, the right to employ personnel deemed necessary to plan, coordinate and implement its activities and fiscal responsibility for all funds which shall be appropriated to it by county and city authorities and any and all other funds which may come into its hands. The commission shall be empowered to lease, rent, purchase or otherwise obtain suitable quarters and office space for its development activities; to lease, rent or purchase necessary furniture, fixtures, and equipment for its operation; to purchase advertising space in periodicals which may be selected for that purpose, and to otherwise engage in any and all activities which will promote the commercial, industrial, manufacturing, marketing, retail, agricultural and general economic welfare of Lenoir County as well as full power to exercise any and all proper authority in connection with its purposes not expressly provided herein but authorized by any law now existing, subsequently amended or hereafter enacted. The commission shall furnish to the Board of Commissioners of Lenoir County and the City Council of the City of Kinston at least 45 days prior to July 1 of each year, a proposed

budget for the fiscal year commencing on July 1; and, its accounts shall be subject to audit by the auditor of Lenoir County in the same manner as departments of the county government are audited.

Sec. 4. The Board of Commissioners of Lenoir County and the City Council of the City of Kinston may make appropriations annually to defray the proper expenses of the said commission as provided for herein.

Sec. 4.1. If the Lenoir County Development Commission is created under Section 1 of this act, then the joint resolution creating the Commission also abolishes the Industrial- Agricultural Commission of Lenoir County as created under Chapter 801, Session Laws of 1961, as amended, and in that event, the assets and liabilities of the Industrial-Agricultural Commission of Lenoir County shall vest in the Lenoir County Development Commission.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.