

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 291  
HOUSE BILL 642

AN ACT TO AUTHORIZE THE TOWN OF PILOT MOUNTAIN TO UNDERTAKE  
RECREATION PROGRAMS BY CONTRACT.

The General Assembly of North Carolina enacts:

Section 1. In addition to the authority granted under Article 18 of Chapter 160A of the General Statutes, the Recreation Enabling Law, the Town of Pilot Mountain (the "Town") is authorized to establish and support recreation programs and activities by contract with any other governmental agency, or with any public or nonprofit private association, corporation or organization, so long as such programs and activities are open to the public. The Town may also appropriate funds to any such governmental agency, or to any such public or nonprofit private association, corporation or organization, for the purpose of establishing and supporting such recreation programs and activities.

Sec. 2. As used in this act, "establish and support" includes but is not limited to: acquisition, construction and renovation of facilities and improvements, including the acquisition of land and other property; acquisition, lease or purchase of materials and equipment; compensation and provision of personnel; and provision of any operating and maintenance expenses of the programs, activities, or facilities.

Sec. 3. In the event funds appropriated for the purposes of this act are turned over to any agency or organization other than the Town for expenditure, no such expenditure shall be made until the Town Board of Commissioners has approved it, and all such expenditures shall be accounted for by the agency or organization at the end of the fiscal year for which they were appropriated.

Sec. 4. For the purposes set forth in this act, the Town may appropriate funds not otherwise limited as to use by law.

Sec. 5. Any contract entered into under the authority of this act may include provisions obligating the Town to construct specified facilities and improvements, and assume the costs of specified activities and functions, and such contract provisions shall not be construed to constitute an impermissible delegation or contracting away of the legislative discretion of the Town Board of Commissioners.

Sec. 6. Any contract entered into under the authority of this act may include a provision requiring the Town to reconvey to the other party any real property originally acquired from the other party pursuant to the contract, in the event that such reconveyance is requested by the other party in writing. Such reconveyance by the Town is hereby authorized, with or without consideration, if the other party agrees to reconvey the property to the Town or any authority established to operate the recreation

programs and activities, under specified conditions or upon written request of the Town. The provisions of Article 12 of Chapter 160A of the General Statutes shall not apply to any such reconveyance by the Town.

Sec. 7. If the General Assembly does not do so by local act, the Town is authorized to establish by ordinance a public authority, to be known as the "Pilot Mountain Civic and Recreation Center Authority", to receive leases for properties subject to a contract entered into under this act, and other properties, and to hold, operate, develop and maintain such properties for recreation and leisure time activities by citizens of Pilot Mountain and the surrounding areas of eastern Surry and western Stokes Counties. The Authority is to be composed of five members appointed by the Town Board of Commissioners, at least two of which shall be appointed from a list of five or more nominees submitted in writing by the Pilot Mountain Foundation, Inc. The Chairman of the Authority Board of Directors shall be elected by and from the members of the Board of Directors. The Town ordinance may grant such powers and duties to the Authority as deemed appropriate, and shall provide for termination of the Authority.

Sec. 8. The definition of "governmental unit" contained in G.S. 160A-274 shall include the Pilot Mountain Civic and Recreation Center Authority. The provisions of Article 12 of Chapter 160A of the General Statutes, with the exception of G.S. 160A-274, shall not apply to property subject to a contract entered into under the authority of this act.

Sec. 9. This act shall apply to the Town of Pilot Mountain only.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.