

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 221

Short Title: Soil/Water District Appointments.

(Public)

Sponsors: Representatives James; R. Thompson and Bowman.

Referred to: Commerce.

February 15, 1989

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW ONE ADDITIONAL APPOINTMENT TO THE BOARD OF A
2 SOIL AND WATER CONSERVATION DISTRICT WHEN THE DISTRICT IS
3 COMPOSED OF FOUR OR MORE COUNTIES.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 139-7 reads as rewritten:

7 "**§ 139-7. District board of supervisors – appointive members; organization of**
8 **board; certain powers and duties.**

9 The governing body of a soil and water conservation district shall consist of the
10 three elective supervisors from the county or counties in the district, together with the
11 appointive members appointed by the Soil and Water Conservation Commission
12 pursuant to this section, and shall be known as the district board of supervisors. When a
13 district is composed of less than four counties, the board of supervisors of each county
14 shall on or before October 31, 1978, and on or before October 31 as the terms of the
15 appointive supervisors expire, recommend in writing two persons from the district to the
16 Commission to be appointed to serve with the elective supervisors. If the names are not
17 submitted to the Commission as required, the office shall be deemed vacant on the date
18 the term is set to expire and the Commission shall appoint two persons of the district to
19 the district board of supervisors to serve with the elected supervisors. The Commission
20 shall make its appointments prior to or at the November meeting of the Commission.
21 Appointive supervisors shall take office on the first Monday in December following
22 their appointment. Such appointive supervisors shall serve for a term of four years, and
23 thereafter, as their terms expire, their successors shall serve for a term of four years. The
24 terms of office of all appointive supervisors who have heretofore been lawfully

1 appointed for terms the final year of which presently extends beyond the first Monday
2 in December are hereby terminated on the first Monday in December of the final year of
3 appointment. Vacancies for any reason in the appointive supervisors shall be filled for
4 the unexpired term by the appointment of a person by the Commission from the district
5 in which the vacancy occurs. Vacancies for any reason in the elected supervisors shall
6 be filled for the unexpired term by appointment by the Commission of a person from the
7 county in the district in which the vacancy occurs.

8 In those districts composed of four or more counties, the Commission may, but is
9 not required, to appoint ~~one person~~ two persons from the district without
10 recommendation from the board of supervisors, to serve as a ~~district supervisor~~ district
11 supervisors along with the elected members of the board of supervisors. Such
12 ~~appointment~~ appointments shall be made at the same time other appointments are made
13 under this section, and the ~~person~~ persons appointed shall serve for a term of four years.

14 The supervisors shall designate a chairman and may, from time to time, change such
15 designation. A simple majority of the board shall constitute a quorum for the purpose of
16 transacting the business of the board, and approval by a majority of those present shall
17 be adequate for a determination of any matter before the board, provided at least a
18 quorum is present. Supervisors of soil and water conservation districts shall be
19 compensated for their services at the per diem rate and allowed travel, subsistence and
20 other expenses, as provided for State boards, commissions and committees generally,
21 under the provisions of G.S. 138-5; provided, that when per diem compensation and
22 travel, subsistence, or other expense is claimed by any supervisor for services performed
23 outside the district for which such supervisor ordinarily may be appointed or elected to
24 serve, the same may not be paid unless prior written approval is obtained from the
25 Department of Natural Resources and Community Development.

26 The supervisors may employ a secretary, technical experts, whose qualifications
27 shall be approved by the Department, and such other employees as they may require,
28 and shall determine their qualifications, duties and compensation. The supervisors may
29 call upon the Attorney General of the State for such legal services as they may require.
30 The supervisors may delegate to their chairman, to one or more supervisors, or to one or
31 more agents, or employees such powers and duties as they may deem proper. The
32 supervisors shall furnish to the Soil and Water Conservation Commission, upon request,
33 copies of such ordinances, rules, regulations, orders, contracts, forms, and other
34 documents as they shall adopt or employ, and such other information concerning their
35 activities as it may require in the performance of its duties under this Chapter.

36 The supervisors shall provide for the execution of surety bonds for all employees
37 and officers who shall be entrusted with funds or property; shall provide for the keeping
38 of a full and accurate record of all proceedings and of all resolutions, regulations, and
39 orders issued or adopted; and shall provide for an annual audit of the accounts of
40 receipts and disbursements. Any supervisor may be removed by the Soil and Water
41 Conservation Commission upon notice and hearing, for neglect of duty, incompetence
42 or malfeasance in office, but for no other reason.

43 The supervisors may invite the legislative body of any municipality or county
44 located near the territory comprised within the district to designate a representative to

1 advise and consult with the supervisors of the district on all questions of program and
2 policy which may affect the property, water supply, or other interests of such
3 municipality or county.

4 All district supervisors whose terms of office expire prior to the first Monday in
5 January, 1948, shall hold over and remain in office until supervisors are elected or
6 appointed and qualify as provided in this Chapter, as amended. The terms of office of
7 all district supervisors, who have heretofore been elected or appointed for terms
8 extending beyond the first Monday in January, 1948, are hereby terminated on the first
9 Monday in January, 1948."

10 Sec. 2. This act is effective upon ratification.