

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 920

Short Title: Broyhill Park Authority.

(Local)

Sponsors: Representative Robinson.

Referred to: Commerce.

March 27, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE T.H. BROYHILL
PARK AUTHORITY BY THE CITY OF LENOIR.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created an Authority to be known as the "T.H. Broyhill Park Authority". The Authority shall consist of six persons who qualify as adults living within the corporate limits of the City of Lenoir. The original six members of the authority shall be appointed by the City Council of the City of Lenoir within a period of 90 days from the ratification of this act. Three of the appointments shall be made from a list of three or more qualified appointees submitted in writing by the Broyhill Family Foundation, Inc., within 60 days of the ratification of this act. The other three appointments shall be made within 60 days of ratification of this act, with appointees being nominated by the Mayor and ratified by the City Council. The original appointees shall serve until December 31, 1994, or until their successors are appointed. Not later than November 30, 1994, and at the end of each three years thereafter, the City Council of the City of Lenoir shall appoint or reappoint six members of the authority. Three of which shall be selected from a list of three or more qualified nominees submitted in writing by the Broyhill Family Foundation, Inc., not later than November 1 of such year.

Sec. 2. (a) Within 30 days after the appointment of all the members of said Authority, the Authority shall hold its first meeting at a place and time to be designated by the Lenoir City Council. At this first meeting of the Authority and at the first meeting of each succeeding newly appointed Authority, the members of the Authority shall elect a chairman and a vice-chairman who shall both be members of the Authority;

1 the term of office shall be for a period of one year, but officers may be re-elected. The
2 City Manager of the City of Lenoir or his designee shall serve as secretary to the
3 Authority. These officers shall perform the duties usually pertaining to such offices.

4 (b) In case of vacancies by resignation or death, the vacancy shall be filled for
5 the remainder of the unexpired term by appointment of the Mayor and City Council of
6 the City of Lenoir, except that if the vacancy is in a seat whose holder was nominated
7 by the Broyhill Family Foundation, Inc., the successor shall be appointed by the City
8 Council from a list of one or more nominations made by the Broyhill Family
9 Foundation, Inc.

10 (c) The Authority shall meet at such times and places as may be designated by its
11 Chairman. The Authority shall meet at least once per month unless the meeting is
12 cancelled by majority vote of the Authority. Meetings may also be called at such times
13 and places as may be requested by any three members of the Authority. The Authority
14 shall adopt such other rules, regulations and bylaws governing the operation of the
15 Authority as it shall deem necessary subject to the approval of the City Council. Four
16 members of the Authority shall constitute a quorum for the transaction of business. In
17 the event of a tie vote of the Authority, the matter in question shall be referred to the
18 City Council for a decision. From and after its organizational meeting, the Authority
19 shall have the powers and duties herein provided, and as otherwise provided by law.

20 Sec. 3. (a) The Authority shall construct, maintain or operate upon the T.H. Broyhill
21 Park property, suitable facilities related to public recreation, or civic and leisure time
22 activities, provided such construction, maintenance or operation is not in conflict with
23 the instrument under which the City of Lenoir acquired rights to the property.

24 (b) The Authority may:

- 25 (1) Receive public and private appropriations, grants, gifts and bequests
26 for the construction, maintenance and operation of the property,
27 facilities and programs for the benefit of the general public.
- 28 (2) Employ personnel and purchase supplies and equipment on a cash
29 basis for the implementation and operation of its plans and programs.
- 30 (3) Purchase insurance to protect it against liability and losses.

31 Sec. 4. The City Council of the City of Lenoir shall annually appropriate for
32 the first five fiscal years of the Authority the sum of seventy-five thousand dollars
33 (\$75,000) for the purpose of matching funding from the Broyhill Family Foundation,
34 Inc.

35 Sec. 5. All revenues and funds received by the Authority shall be applied to
36 the purposes set out in this act. All financial transactions of the Authority are subject to
37 the provisions of the Local Government Fiscal Control Act.

38 Sec. 6. The Authority shall forward to the City Council of the City of Lenoir
39 the minutes of its meetings.

40 Sec. 7. This act is effective upon ratification.