

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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**HOUSE BILL 920**  
**Committee Substitute Favorable 5/8/89**

Short Title: Broyhill Park Authority.

(Local)

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Sponsors:

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Referred to:

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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 seven persons who qualify as adults living within the corporate limits of the City of Lenoir. The original seven 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 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 seven 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; the term of office shall be for a period of one year, but officers may be re-elected. The

1 City Manager of the City of Lenoir or his designee shall serve as secretary to the  
2 Authority. These officers shall perform the duties usually pertaining to such offices.

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

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

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

21 (b) The Authority may:

22 (1) Receive public and private appropriations, grants, gifts and bequests  
23 for the construction, maintenance and operation of the property,  
24 facilities and programs for the benefit of the general public.

25 (2) Employ personnel and purchase supplies and equipment on a cash  
26 basis for the implementation and operation of its plans and programs.

27 (3) Purchase insurance to protect it against liability and losses.

28 Sec. 4. The City Council of the City of Lenoir shall annually allocate for the  
29 first five fiscal years of the Authority up to \$75,000 for the purpose of matching funding  
30 on a dollar-for-dollar basis from the Broyhill Family Foundation, Inc. Upon request of  
31 the Authority, the City's allocation may include in-kind contributions and services, the  
32 cost of which shall be determined by the City Council.

33 Sec. 5. All revenues and funds received by the Authority shall be applied to  
34 the purposes set out in this act. The Authority is subject to the Local Government  
35 Budget and Fiscal Control Act.

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

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