

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1184*

Short Title: Regional Sports Authorities.

(Public)

Sponsors: Senators Hunt of Durham; Basnight, Guy, Johnson of Wake, Martin of Pitt, Parnell, Sherron, Speed, and Staton.

Referred to: Finance.

May 4, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CREATION OF REGIONAL SPORTS AUTHORITIES.

The General Assembly of North Carolina enacts:

Section 1. Article 20 of Chapter 160A of the General Statutes is amended to add a new Part to read as follows:

“PART 3. REGIONAL SPORTS AUTHORITIES.

“§ 160A-479. Creation of authority; definition.

(a) Any two or more units of local government may create a regional sports authority by adopting identical concurrent resolutions to that effect in accordance with the provisions of this Part. The concurrent resolutions creating a regional sports authority, and any amendments thereto will be referred to in this Part as the ‘charter’ of the regional sports authority. For the purposes of this Part, ‘unit of local government’ means a county, city or consolidated city-county.

(b) Any regional sports authority created pursuant to this Part shall be a body corporate and politic.

“§ 160A-479.1. Purpose of the authority.

The purpose of a regional sports authority shall be to research, design, construct, provide, finance, operate, improve, and maintain facilities for public participation and enjoyment of sports, fitness, health and recreational activities of as many different types and kinds as possible. The primary purpose of any and all such facilities shall be the conduct of sports events but use of these facilities need not be limited to such.

“§ 160A-479.2. Jurisdiction of the authority.

1 (a) The territorial jurisdiction of any authority created pursuant to this Part shall
2 be coterminous with the boundaries of the respective units of local government creating
3 and participating in the authority.

4 (b) The jurisdiction of any authority created pursuant to this Part shall include
5 any and all currently existing public sports facilities operating within its territorial
6 jurisdiction to the extent that any person or governmental entity owning or controlling
7 such facilities have reached mutual and written agreement with an authority for the
8 operation and maintenance of such facilities by the authority.

9 (c) The jurisdiction of an authority shall also include any and all new public
10 sports facilities within the regional authority's territorial jurisdiction developed
11 specifically for operation and maintenance by an authority with the agreement of an
12 authority.

13 **"§ 160A-479.3. Membership.**

14 Each unit of local government initially adopting a concurrent resolution under G.S.
15 160A-479 shall become a member of the regional authority. Thereafter, any local
16 government may join the regional authority by ratifying its charter and by being
17 admitted by a majority vote of the existing members. All of the rights and privileges of
18 membership in a regional sports authority shall be exercised on behalf of its member
19 governments by their delegates to the authority.

20 **"§ 160A-479.4. Contents of charter.**

21 The charter of a regional sports authority shall:

- 22 (1) Specify the name of the authority;
- 23 (2) Establish the powers, duties, and functions that it may exercise and
24 perform;
- 25 (3) Establish the number of delegates to represent the member
26 governments, fix their terms of office, provide methods for filling
27 vacancies, and prescribe the compensation and allowances, if any, to
28 be paid to delegates;
- 29 (4) Set out the method of determining the financial support that will be
30 given to the authority by each member government;
- 31 (5) Establish a method for amending the charter, and for dissolving the
32 authority and liquidating its assets and liabilities.

33 In addition, the charter may, but need not, contain rules and regulations for the conduct
34 of authority business and any other matter pertaining to the organization, powers, and
35 functioning of the authority that the member governments deem appropriate.

36 **"§ 160A-479.5. Organization of authority.**

37 Upon its creation, a regional sports authority shall meet at a time and place agreed
38 upon by its member governments and shall organize by electing a chairman and any
39 other officers that the charter may specify or the delegates may deem advisable. The
40 authority shall then adopt bylaws for the conduct of its business. All meetings of the
41 authority shall be open to the public.

42 **"§ 160A-479.6. Withdrawal from authority.**

43 Any member government may withdraw from a regional sports authority at the end
44 of any fiscal year by giving at least 60 days' written notice to each of the other

1 members. Withdrawal of a member government shall not dissolve the authority if at
2 least two members remain.

3 **"§ 160A-479.7. Powers of authority.**

4 The charter shall confer on the regional sports authority all of the following powers:

- 5 (1) To apply for, accept, receive, and dispense funds and grants made
6 available to it by the State of North Carolina or any agency thereof, the
7 United States of America or any agency thereof, any unit of local
8 government (whether or not a member of the authority), and any
9 private or civic agency;
- 10 (2) To employ personnel;
- 11 (3) To contract with consultants;
- 12 (4) To contract with the State of North Carolina, any other state, the
13 United States of America, or any agency thereof, for services;
- 14 (5) To adopt bylaws for the regulation of the affairs and the conduct of its
15 business, and to prescribe rules, regulations and policies in connection
16 with the performance of its functions and duties, not inconsistent with
17 this Part;
- 18 (6) To adopt an official seal and alter the same at pleasure;
- 19 (7) To acquire and maintain an administrative building or office at such
20 place or places as it may determine, which building or office may be
21 used or owned alone or together with any municipalities, corporations,
22 associations or persons under such terms and provisions for sharing
23 costs and otherwise as may be determined;
- 24 (8) To sue and be sued in its own name, and to plead and be impleaded;
- 25 (9) To receive, administer, and comply with the conditions and
26 requirements respecting any gift, grant, or donation of any property or
27 money;
- 28 (10) To acquire by purchase, lease, gift, or otherwise, or to obtain options
29 for the acquisition of, any property, real or personal, improved or
30 unimproved, including an interest in land less than the fee thereof;
- 31 (11) To sell, lease, exchange, transfer, or otherwise dispose of, or to grant
32 options for any such purposes with respect to, any real or personal
33 property or interest therein;
- 34 (12) To pledge, assign, mortgage, or otherwise grant a security interest in
35 any real or personal property or interest therein, including the right and
36 power to pledge, assign, or otherwise grant a security interest in any
37 money, rents, charges, or other revenues and any proceeds derived by
38 an authority from any and all sources;
- 39 (13) To issue bonds of the authority for the purpose of providing funds for
40 any of its corporate purposes;
- 41 (14) With the approval of the unit of local government's chief
42 administrative official, to use officers, employees, agents, and facilities
43 of the unit of local government for such purposes and upon such terms
44 as may be mutually agreeable;

- 1 (15) To develop and make data, plans, information, surveys, and studies of
2 public sports and recreation facilities within the territorial jurisdiction
3 of an authority, to prepare and make recommendations in regard
4 thereto;
- 5 (16) To study and plan for new and improved major regional sports and
6 recreational facilities including but not limited to arenas, stadia,
7 gymnasia, natatoria, pitches, fields, water courses, and other areas for
8 the conduct of sports and recreational activities. These facilities
9 should be of such sizes and in such locations that they will be adequate
10 to serve the population of the entire jurisdiction of the authority (and
11 beyond) to the extent possible;
- 12 (17) To design any new such facilities so they include such equipment and
13 design that efficiency, cost, accessibility, utility, and usability of such
14 facilities will be maximized;
- 15 (18) To have sports facilities grouped into complexes or separated as an
16 authority may see fit, and such facilities may include ancillary support
17 facilities including but not limited to those for administration, sports
18 science, sports medicine, training, museums, meeting rooms and
19 conference centers, accommodations, food services, retail shops,
20 theatres, video services, schools, and educational services.
- 21 (19) To operate the facilities in such a way as to make them as accessible as
22 possible for rental and use by the public while balancing the need for
23 as many of the facilities as possible (particularly any arenas and stadia)
24 to operate annually without a deficit (exclusive of any debt service);
- 25 (20) To operate such facilities together with the State, any entity of the
26 State, or local government as appropriate to maintain a high profile
27 and promotional value for North Carolina and the region encompassed
28 by an authority and to attract as many major regional, national, and
29 international tournaments, events, championships training centers,
30 training camps, and headquarters for the governance of various sports,
31 associations, and events as reasonable and possible;
- 32 (21) To generate a significant and continuing positive economic impact on
33 the region and State through the construction and operation of facilities
34 and conduct of events and activities within the facilities;
- 35 (22) To set and collect such fees and charges for use of such facilities as is
36 reasonable to offset operating costs of said facilities and yet enable
37 said facilities to be affordable to and used by as much of the regional
38 and State population as possible;
- 39 (23) To collect or contract for the collection of taxes;
- 40 (24) To apply to the appropriate agencies of the State, the United States or
41 any state thereof, and to any other proper agency for such permits,
42 licenses, certificates or approvals as may be necessary, and to
43 construct, maintain and operate projects in accordance with such

1 licenses, permits, certificates or approvals in the same manner as any
2 other person or operating unit of any other person;

3 (25) To employ engineers, architects, attorneys, real estate counselors,
4 appraisers, financial advisors and such other consultants and
5 employees as may be required in the judgment of an authority and to
6 fix and pay their compensation from funds available to an authority
7 therefor and to select and retain subject to approval of the Local
8 Government Commission, the financial consultants, underwriters and
9 bond attorneys to be associated with the issuance of any bonds and to
10 pay for services rendered by underwriters, financial consultants, or
11 bond attorneys out of the proceeds of any such issue with regard to
12 which the services were performed;

13 (26) To do all acts and things necessary, convenient, or desirable to carry
14 out the purposes, and to exercise the powers granted to an authority
15 herein.

16 **"§ 160A-479.8 Fiscal accountability.**

17 A Regional Sports Authority is a public authority subject to the provisions of
18 Chapter 159 of the General Statutes of North Carolina.

19 **"§ 160A-479.9 Funds.**

20 (a) The establishment and corporation of an authority as herein authorized are
21 governmental functions and constitute a public purpose, and the State of North Carolina
22 and any unit of local government may appropriate funds to support the establishment
23 and corporation of an authority.

24 (b) The State of North Carolina and any unit of local government may also
25 dedicate, sell, convey, donate or lease any of their interests in any property to an
26 authority.

27 (c) An authority may establish such license and regulatory fees and charges as it
28 may deem appropriate.

29 (d) If the governing body of an authority finds that the funds otherwise available
30 are insufficient, it may call a special election without a petition and submit to the
31 qualified voters within the territorial jurisdiction of an authority the question of whether
32 or not a special tax shall be levied and/or bonds issued, specifying the maximum
33 amount thereof, for the purpose of acquiring lands, buildings, equipment and facilities
34 and for the operating of an authority.

35 (e) The special tax may be one or more of the following:

36 (1) Property taxes.

37 (2) Sales taxes, including:

38 a. General,

39 b. Services only,

40 c. Less food and medicine.

41 **"§ 160A-479.10. Controlling provisions.**

42 Insofar as the provisions of this Part are not consistent with the provisions of any
43 other law, public or private, the provisions of this Part shall be controlling.

44 **"§ 160A-479.11. Conflicts of interest of public officials.**

1 No member, officer, or employee of an authority or of any affiliated unit of local
2 government during his tenure or for one year thereafter shall have any interest, direct or
3 indirect, in an authority or the proceeds thereof.

4 **"§ 160A-479.12. Bonds and notes authorized.**

5 In addition to the powers hereinbefore granted, an authority shall have the power to
6 issue bonds and notes pursuant to the provisions of the Local Government Bond Act and
7 the Local Government Revenue Bond Act for the purpose of financing regional sports
8 and recreational facilities (including support facilities) or any Part thereof and to refund
9 such bonds and notes, whether or not in advance of their maturity or earliest redemption
10 date.

11 **"§ 160A-479.13. Power of eminent domain.**

12 (a) In addition to the powers hereinbefore granted, an authority shall have
13 continuing power to acquire, by gift, grant, devise, bequest, exchange, purchase, lease
14 with or without option to purchase, or any other lawful method, including but not
15 limited to the power of eminent domain, the fee or any lesser interest in real or personal
16 property for use by an authority.

17 (b) The authority may exercise the power of eminent domain in accordance with
18 Chapter 40A of the General Statutes.

19 **"§ 160A-479.14. Tax exemption.**

20 (a) The property of an authority, both real and personal, its acts, activities and
21 income shall be exempt from any tax or tax obligation; in the event of any lease of
22 authority property, or other arrangement which amounts to a leasehold interest, to a
23 private party, this exemption shall not apply to the value of such leasehold interest nor
24 shall it apply to the income of the lessee.

25 (b) Otherwise, however, for the purpose of taxation, when property of an
26 authority is leased to private parties solely for the purpose of an authority, the acts and
27 activities of an authority for the purpose of exemption of the lessee shall be considered
28 as the acts and activities of the private parties.

29 (c) The interest on bonds or obligations issued by an authority shall be exempt
30 from State taxes.

31 **"§ 160A-479.15. Removal and relocation of utility structures.**

32 (a) An authority may require any public utility, railroad, or other public service
33 corporation owning or operating any installations, structures, equipment, apparatus,
34 appliances or facilities in, upon, under, over, across or along any land or facility where
35 an authority has the right to own, construct, operate or maintain its facilities to remove
36 or relocate such installation, structures, equipment, apparatus, appliances or facilities
37 from their location.

38 (b) If the owner or operator thereof fails or refuses to remove or relocate them, an
39 authority may proceed to do so.

40 (c) An authority may provide the necessary new locations or an authority may
41 also acquire the necessary new locations by purchase or otherwise.

42 (d) An authority shall reimburse the public utility, railroad or other public service
43 corporation, for the cost of relocations which shall be the entire amount paid or incurred
44 by the utility properly attributable thereto after deducting the cost of any increase in the

1 service capacity of the new installations, structures, equipment, apparatus, appliances or
2 facilities and any salvage value derived from the old installations, structures, equipment,
3 apparatus or appliances."

4 Sec. 2. G.S. 40A-3(c) is amended by adding a new subdivision to read:

5 "(13) A regional sports authority established under the provisions of Part 3 of
6 Article 20 of Chapter 160A of the General Statutes for the purposes of that Part."

7 Sec. 3. This act shall apply only if one of the two or more units of local
8 government adopting concurrent resolutions pursuant to G.S. 160A-479 is a county
9 containing the capital of the State.

10 Sec. 4. There is appropriated \$10,000 from the General Fund for fiscal year
11 1989-90 to the Department of Administration to pay the administrative costs of
12 implementing this act.

13 Sec. 5. This act is effective upon ratification.