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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10064-LM-24 (02/07)

Short Title: Stanly Cty/Economic Development Commission. (Local)

Sponsors: Representative Burr.

Referred to:

A BILL TO BE ENTITLED

AN ACT CHANGING THE COMPOSITION OF THE STANLY COUNTY ECONOMIC DEVELOPMENT COMMISSION AND MAKING TECHNICAL CHANGES TO THE ACT THAT CREATED THE COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 141 of the Session Laws of 1961, as amended by Chapter 706 of the Session Laws of 1965, Chapter 355 of the Session Laws of 1975, Chapter 237 of the Session Laws of 1983, Chapter 185 of the Session Laws of 1987, Chapter 928 of the Session Laws of 1987, Chapter 595 of the Session Laws of 1995, S.L. 2009-253, and S.L. 2011-175, reads as rewritten:

"Section 1. Creation of Economic Development Commission. – The Board of County Commissioners of Stanly County (hereinafter "Board") is hereby authorized to create a commission to be known as the " Economic Development Commission" (hereinafter "Commission") for Stanly County for the purposes of aiding and encouraging the location in Stanly County of manufacturing, industrial, and commercial plants and enterprises, ~~of~~ aiding and encouraging the agricultural development of Stanly County, and for such other purposes as will, in the discretion of the County Commissioners, increase the population, taxable property, agricultural and business industries, and the general welfare of Stanly County, and for the further purpose of aiding and encouraging existing private enterprises in Stanly County.

"Sec. 2. ~~Such commission-Members Appointed.~~ – The Commission shall be composed of 12 ~~13~~ members to be appointed by the ~~Board of County Commissioners for Stanly County.~~ In making said appointments the board shall seek to achieve representation from the various geographic areas of the county. In the event a vacancy occurs in the membership of such commission because of death, resignation, or otherwise, the board of county commissioners shall fill such vacancy by appointing a member from the same section of the county as his predecessor. There is hereby imposed on such member of the board of county commissioners as said board may designate the duty to serve as chairman of the Economic Development Commission and such commissioner, acting as chairman, shall be entitled to vote only in case of a tie. The county board of commissioners shall designate another member of said board as an alternate member to attend and vote if the original appointee as chairman is unable to attend or is unable to vote. Board as follows:

- (1) Two members representing business or industry from each of the county's five filing/voting districts.
- (2) Two county commissioners who shall serve at the pleasure of the Board, but only as long as they are serving as county commissioners.
- (3) The President of Stanly County Community College or the President's designee.



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1       ~~"Sec. 2.1. A designee of the Stanly County Chamber of Commerce and the President of the~~  
2 ~~Stanly County Community Development Corporation shall serve as voting ex officio members of~~  
3 ~~the Industrial Development Commission in addition to the 12 members to be appointed by the~~  
4 ~~Board of Commissioners for Stanly County.~~Sec. 3. Ex Officio Members. – The Stanly County  
5 Manager and the Stanly County Attorney shall also, shall, by virtue of their respective offices,  
6 serve in a nonvoting ex officio capacity on the Economic Development Commission. The  
7 members of the Commission may appoint additional persons to serve in a nonvoting ex officio  
8 capacity if deemed advisable in order to help guide or assist the Commission in fulfilling its  
9 obligations as provided in this act.

10       ~~"Sec. 3.~~Sec. 4. Terms. – The terms of office of the members of the commission, with the  
11 exception of the chairman of the commission, Commission shall be two years, with the exception  
12 of the initial years existence of the commission, in which one-half shall be appointed to serve for a  
13 period of one year.years, except, in order to stagger the terms, one-half of the members appointed  
14 in 2017 shall serve for a term of one year and the remaining members appointed in 2017 shall  
15 serve for a term of two years. In appointing the initial members of the commission, the board of  
16 county commissioners.~~The Board~~ shall designate those members who are appointed for a period of  
17 two years and those who are appointed for a period of one year. Upon the expiration of the term of  
18 office of those members who are appointed for one year, the ~~board of commissioners~~Board shall  
19 appoint their successors for a term of two years. All appointees shall serve until their successors  
20 have been appointed and qualified. Any member shall be eligible to reappointment. The ~~board of~~  
21 ~~commissioners~~ shall designate the date on which the term of office of the initial members shall  
22 ~~commence.~~shall commence on April 1 and shall end on March 31. For clarification, two members  
23 from the following areas (voting precincts) of Stanly County are to be appointed by the Board of  
24 Commissioners: North (Almond, Ridenhour, Richfield, New London, and North Albemarle);  
25 South (East Center, West Center, Tyson, and Big Lick #1); East (South Albemarle, East  
26 Albemarle, Badin, and Palmerville); West (Furr #1, Furr #2, Big Lick #2, and Endy); Central  
27 (Albemarle #1, Albemarle #2, Albermarle #6, Albemarle #7, Albemarle #8, Albemarle #10, and  
28 Albemarle #11); and two seats at large. The one- and two-year term limits provided for in this  
29 section shall not apply to members of the Board or the President of Stanly County Community  
30 College.

31       ~~"Sec. 4. The chairman of the Economic Development Commission shall serve at the pleasure~~  
32 ~~of the Stanly County Board of Commissioners, but only as long as still serving as a county~~  
33 ~~commissioner.~~

34       ~~"Sec. 5.~~Sec. 5. Election of Officers; Bylaws; Employees. – At the time of the holding of the  
35 first meeting of the Economic Development Commission, Commission following the appointment  
36 of members in 2017, the members shall, by a majority vote, name and select from their  
37 membership a vice-chairman chair, vice-chair, and a secretary, and shall draw up and ratify their  
38 own bylaws and procedural rules and policies, subject to the approval of the board of county  
39 commissioners.~~Board.~~ Whenever necessary, members of the ~~Economic Development Commission~~  
40 shall by a majority vote make necessary changes to their bylaws, procedural rules and policies  
41 subject to the approval of the ~~county board of commissioners.~~Board. All disbursements shall be  
42 made to the ~~commission~~Commission by the county in the same way and manner provided by law  
43 for disbursing public funds of Stanly County, and no disbursements shall be made except upon  
44 approval of the ~~county board of commissioners.~~The Economic Board. Except for the executive  
45 officer, the Commission shall have authority to employ such personnel as it may deem necessary  
46 and within the budget for said commission the Commission to be prescribed by the board of  
47 county commissioners, Board, and all such personnel shall be considered for all purposes  
48 employees of Stanly County.

49       ~~"Sec. 5.1.~~Sec. 6. Additional Funds. – The Economic Development Commission may accept,  
50 receive and disburse in furtherance of its functions any funds, grants, and services made available

1 by the Federal Government and its agencies, the State Government and its agencies, any  
2 municipalities or counties, and by private and civic sources.

3 "Sec. 5.2. Sec. 7. Executive Officer; Contracts; Board Supervision. – (a) The County Manager  
4 shall have authority to appoint the executive officer of the Commission, upon consultation with  
5 the Commission and with approval of the Board.

6 (b) ~~The Economic Development~~ With the approval of the Board, the Commission shall  
7 also have authority to enter into a contract with the Stanly County Chamber of Commerce  
8 pursuant to which ~~said the~~ Chamber of Commerce will provide to the ~~Economic Development~~  
9 Commission and to the County of Stanly the services of an executive officer qualified in the field  
10 of economic development who shall be subject to the direction of the ~~Economic Development~~  
11 Commission in implementing the purposes for which the ~~Economic Development~~ Commission is  
12 created. ~~Said The~~ executive officer may be an employee of ~~said the~~ Chamber of Commerce or the  
13 County of Stanly. The ~~Economic Development~~ Commission is authorized to pay to ~~said the~~  
14 Chamber of Commerce, out of funds appropriated to the ~~Economic Development~~ Commission by  
15 the county commissioners, such amount as the ~~Economic Development~~ Commission and the  
16 Board deems proper for the services of ~~said the~~ executive officer and for office space, supplies,  
17 record keeping and other necessary and proper expenses incurred in the implementation of the  
18 purposes for which the ~~Economic Development~~ Commission is created.

19 (c) In addition to the contract authority provided for in subsection (b) of this section, the  
20 Commission may enter into contracts with the Stanly County Chamber of Commerce or another  
21 entity to implement the purposes for which the Commission is created, with the approval of the  
22 Board. Any contract awarded by the Commission without the approval of the Board shall be null  
23 and void.

24 (d) The Board shall, at all times, have authority to supervise the Commission and its  
25 activities. The Commission shall not enter into any contract or agreement of any kind with the  
26 Stanly County Chamber of Commerce or any other entity that interferes with, restricts, or  
27 otherwise limits the Board's ability to exercise its authority to supervise the Commission and its  
28 activities.

29 "Sec. 6. Sec. 8. Use of Nontax Funds. – The Board of ~~County Commissioners for Stanly~~  
30 County is hereby authorized, in its discretion, to expend any nontax funds, regardless of the source  
31 from which ~~said the~~ nontax funds are received, in order to implement the purposes for which the  
32 ~~Economic Development~~ Commission is created.

33 "Sec. 6.1. Sec. 9. Special Election. – The Board of ~~County Commissioners of Stanly County~~ is  
34 hereby authorized and empowered to call a special election to determine whether it be the will of  
35 the qualified voters of Stanly County that they levy and cause to be collected annually, at the same  
36 time and in the same manner as the general county taxes are levied and collected, a special tax at a  
37 rate not to exceed five cents (5¢) on each one hundred dollars (\$100.00) valuation of property in  
38 ~~said the~~ county, to be known as an "Economic Development Tax", the funds therefrom, if the levy  
39 be authorized by the voters of ~~said the~~ county, to be used by the ~~board of county~~  
40 ~~commissioners~~ Board in its discretion and as it may deem expedient and wise for the purposes for  
41 which the ~~Economic Development~~ Commission for Stanly County is created. ~~Said The~~ election, if  
42 called, shall be under the control and supervision of the Stanly County Board of Elections.

43 If a majority of those voting in ~~such the~~ election favor the levying of ~~such a~~ tax, the Board of  
44 ~~County Commissioners of Stanly County~~ are is authorized to levy a special tax at a rate not to  
45 exceed five cents (5¢) on each one hundred dollars (\$100.00) of assessed value of real and  
46 personal property taxable in ~~said the~~ county, and the General Assembly does hereby give its  
47 special approval for the levy of such special tax.

48 "Sec. 7. Sec. 10. If any provision of this Act or the application thereof to any person or  
49 circumstances is held invalid, such invalidity shall not affect other provisions or applications of  
50 the Act which can be given effect without the invalid provision or application, and to this end the  
51 provisions of this Act are declared to be severable. Nothing herein contained shall limit the

1 authority of the Board of ~~County Commissioners for Stanly County~~ from utilizing the provisions  
2 of Articles 2 and 3 of Chapter 158 of the North Carolina General Statutes as amended relating to  
3 economic development commissions.

4 "~~Sec. 8.~~Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

5 "~~Sec. 9.~~Sec. 12. This Act shall become effective upon its ratification."

6 **SECTION 2.** The terms of all members serving on the Stanly County Economic  
7 Development Commission, including members of the Stanly County Board of Commissioners,  
8 shall expire on March 31, 2017. The Stanly County Board of Commissioners shall appoint 13  
9 members to serve on the Stanly County Economic Development Commission as provided in  
10 Section 1 of this act. The terms of the 13 members appointed by the Stanly County Board of  
11 Commissioners shall be for one and two years, as provided in Section 1 of this act, and shall begin  
12 on April 1, 2017.

13 **SECTION 3.** This act is effective when it becomes law.