

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 27
HOUSE BILL 215

AN ACT TO MODIFY THE STATUTES GOVERNING THE CUMBERLAND
MEMORIAL AUDITORIUM COMMISSION.

Whereas, the General Assembly, on April 28, 1965, created the Cumberland Memorial Auditorium Commission to provide the most efficient management and beneficial use and enjoyment of the Cumberland County Auditorium and its facilities; and

Whereas, there is a need to change the name, organization, and functions of the Cumberland Memorial Auditorium Commission; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 360 of the 1965 Session Laws, as amended by Section 6 of Chapter 983 of the 1984 Session Laws, reads as rewritten:

"(a) Cumberland Auditorium-County Civic Center Commission. There is hereby created in Cumberland County a commission to be known as the Cumberland Memorial Auditorium-County Civic Center Commission which shall have the powers and duties hereinafter set forth.

(b) Membership; Terms of Office. ~~The Commission shall consist of fifteen (15) members who shall be residents of Cumberland County appointed by the Board of County Commissioners of Cumberland County immediately after the date when this Act becomes effective.~~ The Commission shall consist of 16 members. Fifteen members shall be residents of Cumberland County and shall be appointed by the Board of County Commissioners. The sixteenth member shall be the County Manager of Cumberland County who shall serve in an ex officio and nonvoting capacity and without limit as to term.

- (1) ~~Five (5)~~ of the first members of the Commission shall be appointed for a term of one ~~(1)~~-year, five ~~(5)~~ for a term of two ~~(2)~~-years, and five ~~(5)~~ for a term of three ~~(3)~~-years. Upon the expiration of each of the terms, the Board of County Commissioners shall appoint successor members of the Commission who shall each serve for terms of three ~~(3)~~-years and until their successors are appointed for like terms. Any member of the Commission may be reappointed for successive terms.
- (2) Vacancies occurring on the Commission otherwise than by expiration of a term shall be filled by appointment for the unexpired term of the vacant office.

- (3) From its membership the Commission shall at its first meeting, and annually thereafter, elect a ~~chairman, vice chairman, and secretary.~~ Chairman, Vice-Chairman, and Secretary. These officers shall hold office for one year or until their successors are duly elected. ~~The County Manager of Cumberland County shall by virtue of his office also be the treasurer of the Commission. All funds received or handled by the Commission shall be subject to the control of the treasurer who shall prescribe the way and manner all such funds shall be collected, held, disbursed and accounted for. A yearly budget shall be prepared and submitted to the County Board of Commissioners for approval along with any request for an operation attached levy or any request for public funds to be used in the operation of the auditorium facilities. The Board of County Commissioners shall select the auditor of the Commission's accounts.~~
- (4) The officers elected together with ~~one other member~~ two other members of the Commission, who will also be elected at the first meeting of the Commission and annually thereafter, shall constitute the Executive Committee of the Commission. ~~In order to provide for the most efficient operation of the business of the Commission, the Executive Committee shall have sole power and authority over the management and operation of the facilities and to conduct the Commission's business within the policies as are from time to time adopted by the Commission, and all powers and authority not specifically reserved for action of the full Commission under its bylaws shall be vested in the Executive Committee. The Executive Committee shall perform those duties and functions specified in the bylaws of the Commission.~~
- (5) Regular meetings of the Commission shall be held ~~quarterly and special monthly.~~ Special meetings may be called by the ~~chairman or~~ any two (2) members of the Executive Committee upon ~~twenty four 24 hours' written notice to the members stating the purpose of the meeting.~~ Chairman or a majority of the voting members of the Commission. Attendance of ~~not less than eight (8) members~~ shall constitute a quorum for the purpose of transaction of business at any regular or special meeting.
- (6) The Commission may adopt, and from time to time amend, bylaws to implement its organization and provide for the orderly conduct of its affairs.
- (7) All funds received or handled by the Commission shall be subject to the control of the Finance Officer of Cumberland County who shall prescribe the way and manner these funds shall be collected, held, disbursed and accounted for. The Board of County Commissioners shall select the Auditor of the Commission's accounts.

- (8) The Commission shall prepare an annual budget and submit it to the Board of County Commissioners for approval, in a format prescribed by the County Manager, along with any requests for capital improvements or any requests for public funds to be used in the construction or operation of the Civic Center facilities.

(c) Powers, Purpose and Duties of Commission. The powers, purpose and duties of the ~~Cumberland Memorial Auditorium~~ County Civic Center Commission shall include:

- (1) The establishment and management of a memorial fund as a means by which donations may be solicited, received and used in the construction, equipment, decoration, maintenance or operation of the ~~auditorium,~~ Civic Center, its allied facilities and grounds and appropriate recognition made to the memory of persons to be memorialized.
- (2) To assist, in advisory capacity, the Board of County Commissioners in planning for and construction of the facility, and carry out any duty or assignment expressly delegated to it by resolution of the Board of County Commissioners.
- (3) To operate the ~~public auditorium~~ Civic Center facility under the terms and conditions prescribed by the Board of County Commissioners.
- (4) To study, plan, and program for the highest and best use of the facilities committed to it for public use, edification and enjoyment.
- (5) The power to make such reasonable rules and regulations for its own proper organization and procedure and the management, use, control, improvement, equipment, upkeep, and safekeeping of the facilities, properties, and funds committed to its charge, including the receipts and expenditures of such funds committed to its charge, including the receipts and expenditures of such funds as may be or become available for the improvement or management thereof and the use of such facilities as well as spectators' or participants' entrance fees and provided such rules and regulations do not conflict with and are not inconsistent with the laws of the State of North Carolina or ordinances of Cumberland County.
- (6) The employment of a manager and ~~such~~ other employees as may be necessary for the proper implementation of the purposes and duties of the Commission.
- (7) The power to contract and be contracted with, to rent, acquire, hold, exchange, transfer and convey property of any kind, to sue and be sued in its own name or the ~~Cumberland Memorial Auditorium~~ County Civic Center Commission as a corporate body by its officers in the same manner, as a business corporation subject to the limitations herein contained.

(d) Limitation on Powers. The Commission shall not have the power to perform the following:

- (1) Mortgage or encumber property owned by it or under its control or supervision otherwise than as herein provided.
- (2) Borrow money from any source whatsoever, but the Cumberland County Board of Commissioners may in its discretion advance and lend to the Commission in anticipation of uncollected taxes such sums, not exceeding in the aggregate at any time the total amount of taxes theretofore levied for the purposes of the Commission and the remaining uncollected, and shall reimburse itself for such amounts out of such taxes as and when collected. Provided also these limitations shall not be construed to prohibit purchases by the Commission on a time or deferred payment plan or purchase contract.
- (3) Use any property or funds belonging to the Commission or under its control for any pecuniary gain whatsoever of any member of the Commission, nor shall the Commission purchase from, contract with, nor grant license or concession to any person, firm or corporation in which any member of the Commission has a monetary interest directly or indirectly.
- (4) Collect, receive, deposit, disburse, or otherwise handle, and account for all funds only in such manner as is prescribed by the ~~Treasurer~~ Finance Officer of Cumberland County.
- (5) No member of the Commission shall receive or accept any fee, gratuity or thing of value in payment for any act to be done or not to be done by the Commission save and except such salary as may be prescribed by the Board of County Commissioners.
- (6) Upon dissolution of the Commission or upon termination of its connection with the operation of the facilities by resolution of the Board of County Commissioners, all funds and property acquired, held or accumulated by the Commission shall become the funds and property of Cumberland County."

Sec. 2. Section 3 of Chapter 360 of the 1965 Session Laws, as amended by Section 6 of Chapter 983 of the 1984 Session Laws, reads as rewritten:

"Sec. 3. Special auditorium tax funds, if authorized and levied, and nontax revenues may, in the discretion of the Board of County Commissioners, be turned over to the Commission to be used in operating, equipping, improving and maintaining. Occupancy tax revenues as authorized in AN ACT TO AUTHORIZE AND IMPLEMENT AN OCCUPANCY TAX IN CUMBERLAND COUNTY may be utilized by the ~~Auditorium County Civic Center~~ Commission, as approved by the ~~board of county commissioners~~, Board of County Commissioners, in aiding and encouraging convention and visitor promotion in Cumberland County."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of April, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives