

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 151
Committee Substitute Favorable 3/1/17

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

Sponsors:

Referred to:

February 22, 2017

A BILL TO BE ENTITLED

1 AN ACT CHANGING THE COMPOSITION OF THE STANLY COUNTY ECONOMIC
2 DEVELOPMENT COMMISSION AND MAKING TECHNICAL CHANGES TO THE ACT
3 THAT CREATED THE COMMISSION.
4

5 The General Assembly of North Carolina enacts:

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

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

18 "~~Sec. 2. Such commission Members Appointed.~~ – (a) The Commission shall be composed of
19 ~~12-13~~ members to be appointed by the ~~Board of County Commissioners for Stanly County.~~ In
20 ~~making said appointments the board shall seek to achieve representation from the various~~
21 ~~geographic areas of the county. In the event a vacancy occurs in the membership of such~~
22 ~~commission because of death, resignation, or otherwise, the board of county commissioners shall~~
23 ~~fill such vacancy by appointing a member from the same section of the county as his predecessor.~~
24 ~~There is hereby imposed on such member of the board of county commissioners as said board may~~
25 ~~designate the duty to serve as chairman of the Economic Development Commission and such~~
26 ~~commissioner, acting as chairman, shall be entitled to vote only in case of a tie. The county board~~
27 ~~of commissioners shall designate another member of said board as an alternate member to attend~~
28 ~~and vote if the original appointee as chairman is unable to attend or is unable to vote.~~Board as
29 follows:

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

35 (b) In the event a vacancy occurs in the membership of the Commission because of death,
36 resignation, or otherwise, the Board shall fill such vacancy. If the member who vacated the seat



1 represented business or industry from one of the Board's five electoral districts, the vacancy shall
2 be filled by a person representing the same filing district as the member being replaced.

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

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

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

36 ~~"Sec. 5.~~Sec. 5. Election of Officers; Bylaws; Employees. – At the time of the holding of the
37 first meeting of the Economic Development Commission, Commission following the appointment
38 of members in 2017, the members shall, by a majority vote, name and select from their
39 membership a vice chairman chair, vice-chair, and a secretary, and shall draw up and ratify their
40 own bylaws and procedural rules and policies, subject to the approval of the board of county
41 ~~commissioners.~~Board. Whenever necessary, members of the Economic Development Commission
42 shall by a majority vote make necessary changes to their bylaws, procedural rules and policies
43 subject to the approval of the county board of commissioners. Board. All disbursements shall be
44 made to the commission Commission by the county in the same way and manner provided by law
45 for disbursing public funds of Stanly County, and no disbursements shall be made except upon
46 approval of the county board of commissioners. The Economic Board. Except for the executive
47 officer appointed under Section 7 of this act, the Commission shall have authority to employ such
48 personnel as it may deem necessary and within the budget for said commission the Commission to
49 be prescribed by the board of county commissioners, Board, and all such personnel shall be
50 considered for all purposes employees of Stanly County.

1 ~~"Sec. 5.1.~~Sec. 6. Additional Funds. – ~~The Economic Development Commission~~ may accept,
2 receive and disburse in furtherance of its functions any funds, grants, and services made available
3 by the Federal Government and its agencies, the State Government and its agencies, any
4 municipalities or counties, and by private and civic sources.

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

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

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

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

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

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

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

1 "~~Sec. 7.~~Sec. 9. If any provision of this Act or the application thereof to any person or
2 circumstances is held invalid, such invalidity shall not affect other provisions or applications of
3 the Act which can be given effect without the invalid provision or application, and to this end the
4 provisions of this Act are declared to be severable. Nothing herein contained shall limit the
5 authority of the Board of ~~County Commissioners for Stanly County~~ from utilizing the provisions
6 of Articles 2 and 3 of Chapter 158 of the North Carolina General Statutes as amended relating to
7 economic development commissions.

8 "~~Sec. 8.~~Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

9 "~~Sec. 9.~~Sec. 11. This Act shall become effective upon its ratification."

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

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