

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 151
Committee Substitute Favorable 3/1/17
PROPOSED SENATE COMMITTEE SUBSTITUTE H151-PCS40582-RN-16

Short Title: Stanly Cty/Economic Development Commission.

(Local)

Sponsors:

Referred to:

February 22, 2017

A BILL TO BE ENTITLED

1 AN ACT TO CONSOLIDATE THE LOCAL ACTS DEALING WITH THE STANLY
2 COUNTY ECONOMIC DEVELOPMENT COMMISSION AND TO MAKE CHANGES
3 TO THE COMPOSITION OF THE COMMISSION.
4

5 The General Assembly of North Carolina enacts:

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

15 **SECTION 2.** Members Appointed. – (a) The Commission shall be composed of 13
16 members to be appointed by the Board as follows:

- 17 (1) Two members representing business or industry from each of the Board's
18 five electoral districts.
19 (2) Two county commissioners who shall serve at the pleasure of the Board but
20 only as long as they are serving as county commissioners.
21 (3) The President of Stanly County Community College or the President's
22 designee.

23 (b) In the event a vacancy occurs in the membership of the Commission because
24 of death, resignation, or otherwise, the Board shall fill such vacancy. If the member who
25 vacated the seat represented business or industry from one of the Board's five electoral districts,
26 the vacancy shall be filled by a person representing the same filing district as the member being
27 replaced.

28 **SECTION 3.** Ex Officio Members. – The Stanly County Manager and the Stanly
29 County Attorney shall, by virtue of their respective offices, serve in a nonvoting ex officio
30 capacity on the Commission. The members of the Commission may appoint additional persons
31 to serve in a nonvoting ex officio capacity if deemed advisable in order to help guide or assist
32 the Commission in fulfilling its obligations as provided in this act.

33 **SECTION 4.** Terms. – The terms of office of the members of the Commission
34 shall be two years, except, in order to stagger the terms, one-half of the members appointed in
35 2017 shall serve for a term of one year and the remaining members appointed in 2017 shall



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1 serve for a term of two years. The Board shall designate those members who are appointed for
2 a period of two years and those who are appointed for a period of one year. Upon the expiration
3 of the term of office of those members who are appointed for one year, the Board shall appoint
4 their successors for a term of two years. All appointees shall serve until their successors have
5 been appointed and qualified. Any member shall be eligible for reappointment. The term of
6 office shall commence on June 1 and shall end on May 31. The one- and two-year term limits
7 provided for in this section shall not apply to members of the Board or the President of Stanly
8 County Community College.

9 **SECTION 5.** Election of Officers; Bylaws; Employees. – At the time of the
10 holding of the first meeting of the Commission following the appointment of members in 2017,
11 the members shall, by a majority vote, name and select from their membership a chair,
12 vice-chair, and secretary and shall draw up and ratify their own bylaws and procedural rules
13 and policies, subject to the approval of the Board. Whenever necessary, members of the
14 Commission shall by a majority vote make necessary changes to their bylaws, procedural rules,
15 and policies subject to the approval of the Board. All disbursements shall be made to the
16 Commission by the county in the same way and manner provided by law for disbursing public
17 funds of Stanly County, and no disbursements shall be made except upon approval of the
18 Board. Except for the executive officer appointed under Section 7 of this act, the Commission
19 shall have authority to employ personnel as it may deem necessary and within the budget for
20 the Commission to be prescribed by the Board, and all such personnel shall be considered for
21 all purposes employees of Stanly County.

22 **SECTION 6.** Additional Funds. – The Commission may accept, receive, and
23 disburse in furtherance of its functions any funds, grants, and services made available by the
24 federal government and its agencies, the State government and its agencies, any municipalities
25 or counties, and by private and civic sources.

26 **SECTION 7.** Executive Officer; Contracts; Board Supervision. – (a) With the
27 approval of the Board, the County Manager shall have authority to appoint the executive officer
28 of the Commission, upon consultation with the Commission.

29 (b) In lieu of appointing an executive officer under subsection (a) of this section,
30 with the approval of the Board, the Commission shall have authority to enter into a contract
31 with the Stanly County Chamber of Commerce pursuant to which the Chamber of Commerce
32 will provide to the Commission and to the County of Stanly the services of an executive officer
33 qualified in the field of economic development who shall be subject to the direction of the
34 Commission in implementing the purposes for which the Commission is created. The executive
35 officer may be an employee of the Chamber of Commerce or the County of Stanly. The
36 Commission is authorized to pay to the Chamber of Commerce, out of funds appropriated to
37 the Commission by the Board, such amount as the Commission and the Board deem proper for
38 the services of the executive officer and for office space, supplies, record keeping, and other
39 necessary and proper expenses incurred in the implementation of the purposes for which the
40 Commission is created.

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

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

1 **SECTION 8.** Use of Nontax Funds. – The Board is hereby authorized, in its
2 discretion, to expend any nontax funds, regardless of the source from which the nontax funds
3 are received, in order to implement the purposes for which the Commission is created.

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

10 **SECTION 10.** The purpose of this act is to consolidate certain acts concerning the
11 Stanly County Economic Development Commission. It is intended to continue without
12 interruption those provisions of prior acts that are expressly consolidated into this act so that all
13 rights and liabilities that have accrued are preserved and may be enforced.

14 **SECTION 11.** This act does not repeal or affect any acts concerning the property,
15 affairs, or government of public schools or any acts validating official actions, proceedings,
16 contracts, or obligations of any kind.

17 **SECTION 12.** The following acts, having served the purposes for which they were
18 enacted or having been consolidated into this act, are expressly repealed:

19 Chapter 141 of the 1961 Session Laws.

20 Chapter 706 of the 1965 Session Laws.

21 Chapter 355 of the 1975 Session Laws.

22 Chapter 237 of the 1983 Session Laws.

23 Chapter 185 of the 1987 Session Laws.

24 Chapter 928 of the 1987 Session Laws.

25 Chapter 595 of the 1995 Session Laws.

26 Sections 2 and 3 of S.L. 2009-253.

27 Section 3 of S.L. 2011-175.

28 **SECTION 13.** The terms of all members serving on the Stanly County Economic
29 Development Commission, including members of the Stanly County Board of Commissioners,
30 shall expire on May 31, 2017, but all appointees shall serve until their successors have been
31 appointed and qualified. The Stanly County Board of Commissioners shall appoint 13 members
32 to serve on the Stanly County Economic Development Commission as provided in Section 2 of
33 this act. The terms of the 13 members appointed by the Stanly County Board of Commissioners
34 shall be for one and two years, as provided in Section 4 of this act, and shall begin on June 1,
35 2017.

36 **SECTION 14.** This act does not affect any rights or interests that arose under any
37 provisions repealed by this act.

38 **SECTION 15.** All existing ordinances, resolutions, and other provisions of Stanly
39 County not inconsistent with the provisions of this act shall continue in effect until repealed or
40 amended.

41 **SECTION 16.** No action or proceeding pending on the effective date of this act by
42 or against Stanly County or any of its departments or agencies shall be abated or otherwise
43 affected by this act.

44 **SECTION 17.** Whenever a reference is made in this act to a particular provision of
45 the General Statutes, and such provision is later amended, superseded, or recodified, the
46 reference shall be deemed amended to refer to the amended General Statute or to the General
47 Statute that most clearly corresponds to the statutory provision which is superseded or
48 recodified.

49 **SECTION 18.** This act is effective when it becomes law.