

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

1

HOUSE BILL 2393

Short Title: Recreation and Security Districts.

(Public)

Sponsors: Representative Kimsey.

Referred to: Government.

June 21, 1990

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE CREATION OF COUNTY RECREATION AND
3 SECURITY SERVICE DISTRICTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 16 of Chapter 153A of the General Statutes is amended by
6 adding a new Part 3 to read:

7 **“PART 3. COUNTY RECREATION AND SECURITY SERVICE DISTRICTS.**
8 **”§ 153A-317.1. Purposes for districts.**

9 The board of commissioners of any county may define a county recreation and
10 security service district within the county in order to provide for recreation, open space
11 and common area acquisition and preservation, land-use planning and regulation,
12 general administration, security, and public and local street improvement and
13 maintenance services, facilities and functions. Such services may be provided in the
14 district as provided in this Part, either in addition to or to a greater extent than services,
15 facilities or functions are financed, provided or maintained for the entire county.

16 **”§ 153A-317.2. Definition of district, creation.**

17 (a) Criteria. – The board of commissioners may by resolution establish a
18 recreation and security service district for any area of the county if, at the time the
19 resolution is adopted, the county:

- 20 (1) Borders on two other states;
21 (2) Is served entirely or partially by the Tennessee Valley Authority;
22 (3) Has no more than two incorporated municipalities; and
23 (4) Has a population of less than 30,000.

1 (b) Notice and Hearing. – The board of commissioners shall hold a public
2 hearing before adopting any resolution under this Part. Notice of the hearing shall state
3 the date, time, and place of the hearing and its subject, and shall include a map of the
4 proposed district. The notice shall be published in a newspaper of general circulation in
5 the area at least once not less than one month before the date of the hearing.

6 (c) Property Owners' Association Resolution. – The board of commissioners
7 shall not include within a district any area for which a property owners' association
8 governing body with jurisdiction has adopted a written resolution requesting that the
9 area not be included.

10 (d) Effective Date. – The resolution creating and defining a service district shall
11 become effective on the date provided in the resolution, which may be, but need not be,
12 the beginning of a fiscal year.

13 **"§ 153A-317.3. Governing body.**

14 (a) Board of Directors; Terms. – The governing body of the district is the board
15 of directors, consisting of not less than seven nor more than 10 members who are
16 permanent residents or property owners of the district. Each member shall be appointed
17 for a two-year term, but the board of commissioners shall provide for staggered terms
18 by appointing four members of the initial board for a one-year term. Terms shall begin
19 on July 1 and end on June 30. If, on the date of adoption of the resolution creating the
20 district, there are no nominations by the association or associations in accordance with
21 subsection (b) of this section, the board of commissioners may make interim
22 appointments to the board of directors; otherwise, the board of commissioners shall
23 appoint the initial members in accordance with subsection (b). Vacancies shall be filled
24 by the board of commissioners. No board member may serve more than two
25 consecutive two-year terms. Initial terms of one year or completion of an unexpired
26 term shall not count. Members of the board of directors who cease to be property
27 owners in the district shall forfeit their seat on the board.

28 (b) Property Owners' Association Representation. – If the district has one or more
29 property owners' associations, the board of commissioners shall appoint the members
30 nominated by the association or associations. If there is more than one property owners'
31 association, the associations shall enter into a written agreement concerning the
32 nominations to be made by each.

33 (c) Chairman. – At the organizational meeting of the board of directors each
34 year, the first meeting on or after July 1, the members shall elect one of their members
35 as chairman for a one-year term.

36 (d) Board Meetings. – The board of directors shall provide for at least four
37 regular meetings each year, at a time and place to be set by resolution of the board.
38 Special meetings may be called by written notice signed by the chairman. The board is
39 a public body subject to the notice and other requirements of the Open Meetings Law,
40 Article 33C of Chapter 143 of the General Statutes.

41 (e) Quorum; Voting. – A quorum of the board of directors shall be a majority of
42 the members. Action of the board may be taken by a majority of those present and
43 voting at any duly constituted meeting.

1 (f) Compensation. – The members of the board of directors shall receive no
2 compensation for their services, but the board may provide for reimbursing members for
3 actual expenses incurred in connection with district business.

4 (g) Organization. – The board of directors may adopt bylaws and implement
5 other rules and regulations not inconsistent with this Part or the resolution of the board
6 of commissioners for the purpose of organizing itself and administering the
7 responsibilities and purposes entrusted to it.

8 **"§ 153A-317.4. Extension of service districts.**

9 (a) Requirements. – A board of commissioners may by resolution annex territory
10 to a district upon finding that:

11 (1) The majority of the owners of all of the real property in the area to be
12 annexed have petitioned for annexation; and

13 (2) The area to be annexed is contiguous to the district.

14 (b) Notice and Hearing. – The board shall hold a public hearing before adopting
15 any resolution extending the boundaries of a service district. Notice of the hearing shall
16 state the date, time, and place of the hearing and its subject. The notice shall be
17 published in a newspaper of general circulation in the area at least once not less than
18 one month before the hearing.

19 (c) Effective Date. – The resolution extending the boundaries of the district shall
20 become effective on the date provided in the resolution.

21 **"§ 153A-317.5. Abolition of service district.**

22 A board of commissioners may by resolution abolish a district upon finding that the
23 district board of directors has requested abolition and that there is no longer a need for
24 the district. The board of commissioners shall hold a public hearing before adopting the
25 resolution. Notice of the hearing shall state the date, time, and place of the hearing and
26 its subject, and shall be published at least once not less than one month before the date
27 of the hearing. The abolition of any district shall take effect at the end of a fiscal year
28 following passage of the resolution, or as determined by the board of commissioners.

29 **"§ 153A-317.6. Taxes authorized.**

30 (a) Levy and Collection. – A county may levy property taxes within a district in
31 addition to those levied throughout the county in order for the board of directors to
32 finance, provide, or maintain the services provided by the district. The county shall
33 collect the taxes levied and deliver one hundred percent (100%) of the proceeds to the
34 board of directors or its finance officer monthly. The proceeds may be used only for
35 services provided for in the district.

36 (b) Budget. – The board of directors shall develop an annual budget and submit it
37 to the board of commissioners on or before June 1 of each year. To the extent
38 applicable and practical, the Local Government Budget and Fiscal Control Act shall be
39 followed. The board of commissioners shall levy the tax rate provided for in the budget
40 to produce the necessary revenue, in accordance with the Machinery Act. The board of
41 directors may submit an interim budget for the initial fiscal year, if the resolution
42 creating the district becomes effective other than at the beginning of the fiscal year.
43 Proration of taxes shall be as provided in this section. The budget may provide for a
44 reasonable reserve or fund balance.

1 (c) Proration. – Property subject to taxation in a newly established district or in
2 an area annexed to an existing district is that subject to taxation by the county as of the
3 preceding January 1. Taxes for property annexed to the district, and taxes for all
4 property in a newly established district, shall be prorated as provided in G.S. 160A-
5 58.10, as if the area had been annexed to a municipality, except that property shall be
6 subject to taxes for July or January if the district is created or property is annexed
7 effective July 1 or January 1, respectively.

8 (d) Payment of Debts and Judgments. – District funds may be used to pay and
9 discharge any valid debt of the district or any judgment rendered against it. District
10 funds also may be used to provide for the defense of, and payment of civil judgments
11 against, employees and officers or former employees or officers, under policies adopted
12 by the board of directors. The board of directors shall have the right to enforce all valid
13 contracts and agreements to which the district is a party and to collect all assessments,
14 fees, charges, or other nontax revenues owed to the district and to use district funds for
15 those purposes.

16 **"§ 153A-317.7. Provision of services.**

17 (a) Administration. – The district may provide for the authorized services by
18 employing persons for those purposes and acquiring or constructing facilities, or by
19 contracting with and appropriating district money to any person, association, or
20 corporation. The district may control but not prohibit public access to streets and roads
21 using security gates or other appropriate means. The district is not eligible to receive
22 Powell Bill funds for streets and roads under G.S. 136-41.1. Security officers employed
23 by or contracted for by the district may be company police as provided for in G.S. 74A,
24 or otherwise.

25 (b) Special Assessments. – The district may levy special assessments against
26 benefitted property within the district for street and sidewalk purposes, in the same
27 manner as a city may make special assessments under authority of Article 10 of Chapter
28 160A of the General Statutes. Whenever those statutes use words such as ‘city council’
29 which are unique to cities, ‘board of directors’ or the appropriate word or official in the
30 case of a district shall be deemed to have been substituted.

31 (c) Land Use Regulation. – For the purpose of promoting and protecting the
32 public health, safety and general welfare of the State, a district board of directors is
33 authorized to establish zoning units and adopt and administer subdivision regulations.
34 In exercising these powers, the board of directors shall have all rights, privileges,
35 powers and duties granted to counties under Parts 1, 2, and 3 of Article 18 of Chapter
36 153A of the General Statutes. However, the board of directors shall not be required to
37 appoint any planning commission or board of adjustment. If neither a planning
38 commission or board of adjustment is appointed, the board of directors shall have all the
39 rights, privileges, powers and duties of such bodies. Whenever those statutes use words
40 such as ‘board of county commissioners’ which are unique to counties, ‘board of
41 directors’ or the appropriate word or official in the case of a district shall be deemed to
42 have been substituted. A district may enter into an agreement with any city or county
43 for the establishment of a joint planning commission, or may contract for enforcement
44 services."

1 Sec. 2. This act is effective upon ratification.