

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 1016
HOUSE BILL 1052

AN ACT AUTHORIZING THE ESTABLISHMENT OF GLEN ALPINE GRADED DISTRICT IN BURKE COUNTY AS A RECREATION DISTRICT AND THE LEVYING OF A RECREATION SYSTEM TAX.

The General Assembly of North Carolina do enact:

Section 1. That area in Burke County known and described as the Glen Alpine Graded School District is hereby designated as the Glen Alpine Graded School Recreation District of Burke County for the purpose of carrying out the provisions of this Act. A petition signed by at least fifteen per cent (15%) of the resident freeholders living within this area and registered to vote in the Glen Alpine Graded School District elections may be filed with the Board of County Commissioners of Burke County requesting it to do the following:

Levy any annual tax of not more than ten cents (10¢) on each one hundred dollars (\$100.00) of assessed valuation of the taxable property within the district for the purpose of providing, conducting and maintaining a supervised recreation system in said district.

When the petition is filed, the board of county commissioners shall cause notice to be given by posting at the courthouse door, and at three public places in such proposed recreation district, and by three weekly publications in a newspaper circulating in such proposed recreation district, that on a date named in such notice, which shall not be earlier than twenty days after the first posting and publication of such notice, it will hold a public hearing at a designated place within the proposed recreation district, upon the question or questions petitioned for and set forth in such notice, and that any taxpayer or other interested person may appear and be heard at the time and place set forth in such notice. At the time and place stated in such notice the board shall hear all interested persons and may adjourn the hearing from time to time.

When the petition is filed, it shall be the duty of the board of county commissioners to cause the question petitioned for to be submitted to the voters at a special election to be held in the district within one hundred twenty (120) days from the date of filing. The cost of holding said election shall be paid by the Town of Glen Alpine.

Sec. 2. If said election is held pursuant to a petition requesting the levy of a tax for recreation purposes, the form of the question, stated on the ballot, shall be substantially the words: "For District Recreation Tax" and "Against District Recreation Tax". Such affirmative and negative forms shall be printed upon one ballot, containing

squares opposite the affirmative and negative forms, on one of which squares the voter may make a cross (X) mark.

Sec. 3. If a majority of the qualified voters, voting at said election, shall vote "For District Recreation Tax", then the board of county commissioners is authorized and directed, on the basis of a budget submitted to the board by the Recreation District Commission, to levy and collect a tax in said district in such amounts as it may deem necessary, not exceeding ten cents (10¢) on the one hundred dollar (\$100.00) valuation of property in said district from year to year. At least once a month, the tax collector of the county shall deposit the proceeds of such tax in a bank designated by the Recreation District Commission. The officer or officers having charge or custody of the funds of the district shall require said bank to furnish security for the protection of such deposits as provided for in Section 159-28. Withdrawals from such account shall be made by vouchers signed by the chairman and the treasurer of the Recreation District Commission for the purposes of establishing and conducting of a system of supervised recreation for such district; the acquisition and improvement of any lands, buildings, or equipment; the construction, operation, equipping and maintaining of parks, playgrounds, recreation centers and recreation facilities, and all buildings and structures necessary or useful in connection therewith.

Sec. 4. If a majority of the qualified voters voting at any special election provided for in this Act shall vote in the affirmative, then said Glen Alpine Graded School Recreation District of Burke County shall be in existence, have legal status and be a legal entity and shall be subject to all the legal powers, duties and obligations and shall exercise all of the authority given or conferred by this Act, and the appointing authorities named in this Act shall proceed to appoint a commission to act as the governing authority of said recreation district in accordance with the provisions of Section 5 of this Act. The said commission may pass a resolution, fixing or designating its title or name to be used in the administration of all of its affairs and business.

Sec. 5. The commission shall consist of five members. Two of the members shall be appointed by the governing body of the Town of Glen Alpine, two members shall be appointed by the Board of Commissioners of Burke County and the remaining member shall be appointed by the Glen Alpine District School Board. At least two of the members shall serve for a term of one year, at least two of the members for a term of two years and the remaining member for a term of three years. The board of county commissioners shall designate the original terms of the members. Upon the expiration of their original terms of office, each succeeding term shall be for three years and until their successors are appointed and qualify for office. Vacancies on the commission shall be filled for the unexpired term by appointment of the governing body of the town or the school district which made the original appointment. The members shall serve without compensation. The Recreation Commission at its first meeting shall appoint a chairman, a treasurer, and such other officers as may be deemed proper for the conduct of its business and shall adopt rules and regulations to govern its procedures, and may adopt rules and regulations from time to time for the purpose of governing the use of parks, playgrounds, recreation centers and recreation facilities. The treasurer shall be required to furnish bond in some surety company authorized to do business in North

Carolina, in an amount to be fixed by the Recreation District Commission, which bond shall be approved by the Recreation District Commission and shall be conditioned upon the true accounting for all funds which may come into his hands as such treasurer.

Sec. 6. The board of commissioners of the county shall order the County Board of Elections to conduct the election so called as provided in Section 1, which said board of elections shall provide one or more polling places in said district, shall provide for a registrar or registrars and judges of election at said voting places, shall cause to be prepared the necessary ballots for voting at said election, shall fix the time and place for holding the same, and shall conduct said election in every respect according to the provisions of the laws governing general elections so far as they may be applicable. The costs of holding the election shall be paid by the county and the Town of Glen Alpine in equal proportions.

Sec. 7. At the close of the polls in any election provided for in this Act, the election officers shall count the votes and make returns thereof to the County Board of Elections which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election. The returns shall be made in duplicate, one copy of which shall be delivered to the County Board of Elections and the other filed with the Clerk of the Superior Court of the county in which the Recreation District is situated. The County Board of Elections shall prepare a statement showing the number of votes cast for and against the bonds, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall transmit it to the board of county commissioners who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district.

Sec. 8. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district shall be asserted nor shall the validity of such election or the validity of the creation of such district be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided in the preceding Section.

Sec. 9. This Act shall apply only to Burke County.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1961.