

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 212
HOUSE BILL 511

AN ACT TO PROVIDE FOR AN ELECTION IN HATTERAS VILLAGE ON THE QUESTION OF CREATING AND ESTABLISHING THE HATTERAS VILLAGE COMMUNITY CENTER DISTRICT AND FOR THE LEVY AND COLLECTION OF AN AD VALOREM TAX FOR REPAIR, MAINTENANCE AND OPERATION OF A COMMUNITY CENTER BUILDING.

The General Assembly of North Carolina enacts:

Section 1. The Board of County Commissioners of Dare County is hereby authorized to call an election to be conducted by the Board of Elections of Dare County in Hatteras voting precinct as described below for the purpose of submitting to the voters therein the single issue of establishing the Hatteras Village Community Center District in said area and levying and collecting annually a special ad valorem tax on all taxable real and personal property in the proposed district for the purpose of maintaining and operating the Hatteras Community Center as set forth in Section 5 of this act. The tax levied and collected for the purpose herein specified shall not exceed fifteen cents (15c) on each one hundred dollars (\$100.00) valuation of taxable property in the area.

The area of the district is more specifically described as follows:

"All of the Hatteras Voting Precinct bounded on the west by Hyde County, on the north by Avon Voting Precinct, on the east by Frisco Voting Precinct and on the south by the Atlantic Ocean all as shown on the map in the office of the Board of Elections of Dare County, North Carolina, entitled 'ELECTION PRECINCT BOUNDARIES - DARE COUNTY' dated July 13, 1978, signed by Orman L. Mann, Chairman, Dare County Board of Elections, which said map is incorporated herein by reference."

Sec. 2. The election shall be conducted in accordance with Chapter 163 of the General Statutes. The Board of Elections of Dare County shall determine and declare the results of said election and certify the same to the Board of County Commissioners of Dare County and the same shall thereupon be spread upon the minutes of the said board.

Sec. 3. The ballot shall contain the date of the election, the words "Hatteras Village", and shall further be in the following form:

"[] FOR creation of the Hatteras Village Community Center District and the levy of an ad valorem tax not to exceed fifteen cents (15c) on the one hundred dollar (\$100.00) taxable valuation for the ownership, operation and maintenance of a community center.

"[] AGAINST creation of the Hatteras Village Community Center District and the levy of an ad valorem tax not to exceed fifteen cents (15c) on the one hundred dollar (\$100.00) taxable valuation for the ownership, operation and maintenance of a community center."

The ballot shall contain the facsimile signature of the Chairman of the Board of Elections of Dare County.

Sec. 4. If a majority of the qualified voters voting at said election shall vote in favor of creating the Hatteras Village Community Center District and the levying of a tax as aforesaid for the operation, maintenance and repair of a community center building, as provided by this act, the Board of County Commissioners of Dare County shall upon receipt of the certified copy of the results of said election from the Board of Elections adopt a resolution creating the Hatteras Township Community Center District, and shall file a copy of the said resolution so adopted with the Clerk of the Superior Court of Dare County. Upon creation and establishment of the Hatteras Village Community Center District, the Board of County Commissioners of Dare County be and it is hereby authorized and directed to levy and collect an ad valorem tax on all taxable property in said district in such amount as it may deem necessary, not exceeding fifteen cents (15c) on each one hundred dollar (\$100.00) taxable valuation of property in said district from year to year, and shall cause the same to be kept in a separate and special fund, to be used only for the maintenance, operation and repair of a community center within said district, as provided by Section 5 of this act.

Sec. 5. The Hatteras Village Community Center District shall constitute a political subdivision of the State of North Carolina, and shall be a body corporate and politic, exercising public power. The Hatteras Village Community Center District is authorized to establish, operate and maintain the community center for the use and benefit of all the residents of the district by: providing suitable facilities for public meetings; for public agencies providing services to the public; providing recreational park and playground facilities; providing facilities for meetings of civic and fraternal organizations; and providing facilities for the general use of residents of the district in all matters relating to the improvement of the general health and welfare of said district and all matters of community interest.

The district and its governing body shall have the following powers:

(1) To acquire and hold title to the Hatteras Village Community Center Building and any other real or personal property which may be acquired by the Hatteras Village Community Center District by purchase, gift, donation, contribution, or otherwise.

(2) To sell, convey, and dispose of any real or personal property owned by the Hatteras Village Community Center District, acquired from any source whatsoever, in accordance with Article 12 of Chapter 160A of the General Statutes, except that the Dare County Board of Commissioners must approve.

(3) To erect, repair, construct, replace, and alter buildings owned by the Hatteras Village Community Center District, and to improve, manage and maintain and control all real and personal property owned by the Hatteras Village Community Center District or under its supervision and control.

(4) To employ such officers, agents, consultants, and other employees as it may desire, and to determine their qualifications, duties and compensation.

(5) To expend the funds collected by the special tax provided by this act and any and all other funds coming into the hands of the governing body thereof by gift, donation, contribution, or otherwise, for the acquisition, operation and maintenance of the Hatteras Village Community Center facilities.

(6) To do any and all other acts and things reasonably necessary and requisite to the operation and maintenance of the Hatteras Village Community Center in accordance with the provisions of this act.

Sec. 6. The governing body of the Hatteras Village Community Center District shall be a board of trustees consisting of five residents of the Hatteras voting precinct. Upon the creation and establishment of the Hatteras Village Community Center District by the Board of County Commissioners of Dare County as hereinbefore provided, members of the board of trustees shall be appointed by the board of county commissioners and shall hold office for a term of three years. All vacancies that occur, whether by death, resignation, or otherwise, shall be filled by appointment of the board of county commissioners for the unexpired term of the person creating the vacancy. Each appointee shall qualify by taking an appropriate oath to well and truly execute the duties of his office according to the best of his skill and ability, according to law. The members of the board of trustees are authorized to select from their number a chairman and a vice-chairman, and they may also select a treasurer and a secretary, which offices may be combined and which office or offices may be held by a person or persons who are not members of the board of trustees. A simple majority of the governing board shall constitute a quorum for the purpose of transacting business of the board of trustees, and approval by a majority of those present shall be adequate for determination of any matter coming before the governing board, provided at least a quorum thereof is present. Regular annual meetings of the board of trustees shall be held, and a meeting of said board may be called at any time by the chairman thereof or by any two members thereof. Any member or members of the board of trustees may be removed by the Board of Commissioners of Dare County.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1981.