

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 990

Short Title: Soil/Water Dist. Audit.

(Public)

Sponsors: Representatives Hardaway; and H. Hunter.

Referred to: Environment.

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE REQUIREMENT THAT SOIL AND WATER CONSERVATION DISTRICTS OBTAIN ANNUAL INDEPENDENT AUDITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 139-7 reads as rewritten:

"§ 139-7. District board of supervisors – appointive members; organization of board; certain powers and duties.

The governing body of a soil and water conservation district shall consist of the three elective supervisors from the county or counties in the district, together with the appointive members appointed by the Soil and Water Conservation Commission pursuant to this section, and shall be known as the district board of supervisors. When a district is composed of less than four counties, the board of supervisors of each county shall on or before October 31, 1978, and on or before October 31 as the terms of the appointive supervisors expire, recommend in writing two persons from the district to the Commission to be appointed to serve with the elective supervisors. If the names are not submitted to the Commission as required, the office shall be deemed vacant on the date the term is set to expire and the Commission shall appoint two persons of the district to the district board of supervisors to serve with the elected supervisors. The Commission shall make its appointments prior to or at the November meeting of the Commission. Appointive supervisors shall take office on the first Monday in December following their appointment. Such appointive supervisors shall serve for a term of four years, and thereafter, as their terms expire, their successors shall serve for a term of four years. The terms of office of all appointive supervisors who have heretofore been lawfully appointed for terms the final year of which presently extends beyond the first Monday

1 in December are hereby terminated on the first Monday in December of the final year of
2 appointment. Vacancies for any reason in the appointive supervisors shall be filled for
3 the unexpired term by the appointment of a person by the Commission from the district
4 in which the vacancy occurs. Vacancies for any reason in the elected supervisors shall
5 be filled for the unexpired term by appointment by the Commission of a person from the
6 county in the district in which the vacancy occurs.

7 In those districts composed of four or more counties, the Commission may, but is
8 not required, to appoint two persons from the district without recommendation from the
9 board of supervisors, to serve as district supervisors along with the elected members of
10 the board of supervisors. Such appointments shall be made at the same time other
11 appointments are made under this section, and the persons appointed shall serve for a
12 term of four years.

13 The supervisors shall designate a chairman and may, from time to time, change such
14 designation. A simple majority of the board shall constitute a quorum for the purpose of
15 transacting the business of the board, and approval by a majority of those present shall
16 be adequate for a determination of any matter before the board, provided at least a
17 quorum is present. Supervisors of soil and water conservation districts shall be
18 compensated for their services at the per diem rate and allowed travel, subsistence and
19 other expenses, as provided for State boards, commissions and committees generally,
20 under the provisions of G.S. 138-5; provided, that when per diem compensation and
21 travel, subsistence, or other expense is claimed by any supervisor for services performed
22 outside the district for which such supervisor ordinarily may be appointed or elected to
23 serve, the same may not be paid unless prior written approval is obtained from the
24 Department of Environment, Health, and Natural Resources.

25 The supervisors may employ a secretary, technical experts, whose qualifications
26 shall be approved by the Department, and such other employees as they may require,
27 and shall determine their qualifications, duties and compensation. The supervisors may
28 call upon the Attorney General of the State for such legal services as they may require.
29 The supervisors may delegate to their chairman, to one or more supervisors, or to one or
30 more agents, or employees such powers and duties as they may deem proper. The
31 supervisors shall furnish to the Soil and Water Conservation Commission, upon request,
32 copies of such ordinances, rules, regulations, orders, contracts, forms, and other
33 documents as they shall adopt or employ, and such other information concerning their
34 activities as it may require in the performance of its duties under this Chapter.

35 The supervisors shall provide for the execution of surety bonds for all employees
36 and officers who shall be entrusted with funds or property; shall provide for the keeping
37 of a full and accurate record of all proceedings and of all resolutions, regulations, and
38 orders issued or adopted; and shall provide for an annual audit of the accounts of
39 receipts and disbursements. Notwithstanding the provisions of G.S. 159-34, a soil and
40 water conservation district is not required to have its accounts audited by a certified
41 public accountant or by an accountant certified by the Local Government Commission.
42 Any supervisor may be removed by the Soil and Water Conservation Commission upon
43 notice and hearing, for neglect of duty, incompetence or malfeasance in office, but for
44 no other reason.

1 The supervisors may invite the legislative body of any municipality or county
2 located near the territory comprised within the district to designate a representative to
3 advise and consult with the supervisors of the district on all questions of program and
4 policy which may affect the property, water supply, or other interests of such
5 municipality or county.

6 All district supervisors whose terms of office expire prior to the first Monday in
7 January, 1948, shall hold over and remain in office until supervisors are elected or
8 appointed and qualify as provided in this Chapter, as amended. The terms of office of
9 all district supervisors, who have heretofore been elected or appointed for terms
10 extending beyond the first Monday in January, 1948, are hereby terminated on the first
11 Monday in January, 1948."

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