

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2004-14
HOUSE BILL 1564**

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE
CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article II of Chapter 5 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended by Section 4 of S.L. 2001-402, reads as rewritten:

**ARTICLE II. AUDITORIUM-COLISEUM-CONVENTION CENTER
CHARLOTTE REGIONAL VISITORS AUTHORITY.**

"Section 5.21. **Continuation.** (a) The control, management, and operation of the property and improvements now or hereafter made or acquired by the City for auditorium, coliseum, civic center, and baseball stadium purposes shall continue to be vested in the authority to be known as the auditorium-coliseum-convention center authority. Charlotte Regional Visitors Authority. The authority shall also engage in activities and programs aiding and encouraging convention and visitor promotion. The authority shall be composed of at least seven and not more than nine members, as determined jointly by the Mayor and the City Council. If the authority has nine members, three shall be appointed by the Mayor and six shall be appointed by the City Council. If the authority has seven or eight members, two shall be appointed by the Mayor and the remainder shall be appointed by the City Council. One member of the authority must be an individual who is not an elected official and who is jointly nominated by the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville and confirmed by the City's appointing authority. The City may, for good cause shown, reject the individual nominated by the towns. The City must appoint or reject the individual nominated by the towns in a timely manner. If the City rejects the nominee, the towns must jointly nominate a different individual. If the authority has nine members, one member must be an individual who is affiliated with the hotel, motel, or restaurant business in the City. The Council and the Mayor shall jointly determine which of the seats are subject to these conditions. 13 members, four appointed by the Mayor and nine appointed by the Council. Those 13 members of the authority shall represent the following categories and be appointed as follows:

- (1) Eight at large, three appointed by the Mayor and five appointed by the Council.
- (2) One convention hotel representative appointed by the Council.
- (3) One limited service hotel representative appointed by the Mayor.
- (4) One restaurant representative appointed by the Council.
- (5) One general travel representative appointed by the Council.
- (6) One Mecklenburg town representative who shall not be an elected official and who is jointly nominated by the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville and appointed by the Council. The Council may, for good cause shown and in a timely manner, reject the individual nominated by the towns. If the Council rejects the nominee, the towns shall jointly nominate a different individual.

Other than for the Mecklenburg town representative, the Mayor or Council shall be responsible for determining whether their respective appointees satisfy the representational categories, which determination is final.

Each member shall serve a term of three years. The Council shall provide for the staggering of members' terms. No member shall serve more than two full consecutive terms. If any vacancy is created on the authority, the Council or the Mayor, as the case may be, shall appoint a member to fill the unexpired term. The members of the authority shall receive no compensation.

(b) Attendance of meetings and continued service on the authority shall be governed by the attendance policies established by the Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided herein.

"Section 5.22. **Officers and Funds.** The members of the authority shall elect annually from their body a chair, vice-chair, and a secretary and otherwise provide for the efficient administration of its affairs; provided, however, the finance officer of the City shall by virtue of his office be also the finance officer of the authority, and he shall serve as such finance officer without additional compensation. All funds of the authority shall be kept by its treasurer in a separate bank account or accounts from other funds of the City and shall be paid out only in accordance with procedures established by such authority. The net proceeds from the operation of the ~~authority facilities~~ shall be used to pay the interest and retirement on the bonded debt of the City incurred in connection with such auditorium-coliseum-convention center-baseball stadium and shall not be used for any other purpose until said bonds, principal, and interest have been paid, except as may be otherwise approved by the Council for other uses of the authority. Quarterly operating statements of the authority and an annual audited statement shall be presented to the Council. The authority shall be deemed a "special district," as defined in G.S. 159-7, for purposes of the Local Government Budget and Fiscal Control Act and shall budget and administer its fiscal affairs according to the provisions of that act applicable to special districts.

"Section 5.23. **Powers and Duties.** (a) The authority shall operate the auditorium-coliseum-convention center-baseball stadium in a proper, efficient, economical, and business-like manner, to the end that such properties and facilities may effectively serve the public needs for which they were established at the least cost and expense to the City. The authority shall appoint a Manager of such auditorium-coliseum-convention center-baseball stadium properties, whose salary shall be fixed by the authority. Such Manager shall, in addition to other duties imposed upon him by the authority, be responsible for the collection of rents or fees for the use of the properties and facilities of the authority. The authority shall select such other personnel as it deems advisable to properly operate such properties. The authority shall have full and complete control of such auditorium-coliseum-convention center-baseball stadium properties and facilities; shall have full and complete control over granting and denying the use of, and establishing and collecting rents and fees for the use of, the properties and facilities; shall make all reasonable rules and regulations as it deems necessary for the proper operation and maintenance of such properties and facilities; may expend funds of the authority for the advertising and promotion of the use of the properties and facilities; and may sponsor and promote shows, events, games and activities involving the use of the properties and facilities and make reasonable charges therefor.

(b) The authority may, in its discretion, lease or rent auditorium-coliseum-convention center-baseball stadium properties and facilities for such terms and upon such conditions as the authority may determine but not for longer than 10 years. Leases and rentals for terms of more than one year may be executed only after 10 days' public notice by publication describing the property to be leased or rented, stating the annual lease or rental payments and announcing the authority's intent to authorize the lease or rental at its next meeting. No public notice or resolution of the authority is required with respect to leases and rentals for terms of one year or less."

(c) The authority shall engage in activities and programs aiding and encouraging convention and visitor promotion. These activities and programs shall include sales and marketing activities and expenditures that relate both to facilities under the control, management, and operation of the Authority, as well as to the selling and marketing of the Charlotte region as a travel and tourism destination."

SECTION 2. The Charlotte Regional Visitors Authority shall assume all the rights, duties, obligations, and liabilities of the Auditorium-Coliseum Convention Center Authority.

SECTION 3. In order to provide for the staggered expiration of member terms, the Council shall establish initial full terms for the Charlotte Regional Visitors Authority ranging from one to three years. The Council may establish additional rules and make determinations not inconsistent with this act in order to facilitate an orderly transition from the Auditorium-Coliseum Convention Center Authority to the Charlotte Regional Visitors Authority.

SECTION 4. This act becomes effective July 1, 2004.

In the General Assembly read three times and ratified this the 21st day of June, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives