

AN ORDINANCE OR RESOLUTION TO CREATE A PARK COMMISSION

Whereas, by virtue of Article 18 of Chapter 160A of the General Statutes of North Carolina, the lack of adequate recreation programs and facilities has been declared as a matter of public policy to be a menace to the morals, happiness and welfare of the people in this State; and

Whereas, in its considered judgment the Commissioners of Clay County believe that adequate park facilities can be best be advanced by creating a Park Commission as authorized by Section 160A-354 of the General Statutes;

Now therefore, be it ordained or resolved by the Commissioners of Clay County:

Section 1. That there is hereby created a commission to be known as the Park Commission of Clay County.

Section 2. The Park Commission shall be appointed by the Commissioners of Clay County and shall consist of five members, with one member for a term of one year; two members for a term of two years, and two members for a term of three years. Upon the expiration of their original terms of office, each succeeding term shall be for three years and until their successors qualify for office. Vacancies in the Commission shall be filled for the unexpired term by appointment of the Commissioners of Clay County. The members shall serve without compensation.

Section 3. The Park Commission shall elect from its membership a Chairman and such other officers as it may deem necessary for the ordinary procedure of its business and may adopt bylaws, rules and regulations governing its procedure not inconsistent with the provisions of the State laws. The Park Commission shall from time to time set policies and make rules and regulations governing the development, control, management, operation and conduct of the park facilities. The Park Commission shall hold regular meetings at such times and places as it may designate.

Section 4. The Park Commission shall develop, maintain, operate and supervise the public parks owned or controlled by the County Commissioners or leased, licensed or loaned to the County Commissioners by the owners thereof.

Section 5. The Park Commission may accept any grant, gift, bequest or donation of any personal property offered or made for park purposes and with the approval of the County Commissioners may accept any grant, gift, or devise of real estate. Any gift, bequest of money or other personal property, grant or devise of real estate shall be held, used and finally disposed of in accordance with the terms or conditions under which such grant, gift or devise is made and accepted. The Park Commission shall have no authority to enter into any contract or incur any obligation binding the County Commissioners other than current obligation(s) or contracts to be fully executed within the current fiscal year and all within the budget appropriations made by the County Commissioners. The Park Commission shall have full authority to obligate funds contributed for park improvements and facilities over

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and beyond ~~any~~ appropriations made by the County Commissioners.

Section 6. The Park Commission shall have power within budget appropriations made by the County Commissioners to appoint and designate a caretaker and such other persons as may be necessary in the maintenance of and operation of the park facilities.

Section 7. Funds appropriated by the County Commissioners and budgeted to the Park Commission shall be disbursed by the fiscal disbursing officer of the County Commissioners upon vouchers issued by the Park Commission and within the budget appropriations made. Funds received by the Park Commission from sources other than budget appropriations shall be deposited by the County Commissioners to the credit and for the use of the Park Commission and disbursed as budget funds are disbursed, except that funds received by gift, bequest or otherwise shall be disbursed in accordance with the terms of such gifts or bequest.

Section 8. The Park Commission shall make full and complete reports to the County Commissioners at such times as may be requested and at such other times as to the County Commissioners may seem proper. The fiscal year of the Park Commission shall conform to that of the County Commissioners.

Section 9. Such powers as are now provided by Statute of the State of North Carolina and by the Ordinance or Resolution of the County Commissioners relating to the development and operation of parks are hereby vested in the Park Commission to be exercised by it, subject to all restrictions contained in such powers and ordinances or resolutions.

Section 10. All ordinances and/or resolutions of the Commissioners of Clay County in conflict herewith are hereby repealed.

Section 11. That this ordinance or resolution shall be in full force and effect 30 days after it's passage.

Adopted this the 5th day of September, 1972.

*B. Howard Wimpey*  
Chairman, Clay County Commissioners

Whereas, the Clay County Board of Commissioners, appointed Arthur Siegle, Harold Lance, Jimmy Rogers, Garnett Nelson and Mrs. Edgar Price to serve on the Clay County Park Board at their regular meeting on May 1, 1972, in Minute Docket 4 at page 521; and whereas, the said Board of Commissioners, have this day created a Park Commission; and whereas, Mrs. Edgar Price has moved from Clay County, and now lives in Haywood Co. N. C.

Now therefore, be it Resolved by the Clay County Board of Commissioners that the following named persons shall serve on the Clay County Park Commission for the term of years set forth:

<u>Name</u>	<u>Term</u>
Harold Lance	1 year from 9/5/72
Garnett Nelson	2 years from 9/5/72
James N. Rogers, Jr.	2 years from 9/5/72
Arthur Siegle	3 years from 9/5/72
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Adopted this 5th day of September, 1972.

*B. Howard Wimpey*  
Chairman Clay County Board of Commissioners