GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

Н

HOUSE BILL 415 PROPOSED SENATE COMMITTEE SUBSTITUTE H415-PCS30391-LM-4

Short Title: Fontana Dam/Establish Electric Power Board.

(Local)

Sponsors:

Referred to:

April 1, 2015

1	A BILL TO BE ENTITLED				
2	AN ACT TO AMEND THE CHARTER OF THE TOWN OF FONTANA DAM TO				
3	AUTHORIZE THE TOWN COUNCIL TO ESTABLISH AN ELECTRIC POWER				
4	BOARD TO MANAGE AND CONTROL THE TOWN'S ELECTRIC PUBLIC				
5	ENTERPRISE SERVICE.				
6	The General Assembly of North Carolina enacts:				
7	SECTION 1. The Charter of the Town of Fontana Dam, being Chapter 110 of the				
8	2011 Session Laws, is amended by adding a new Article to read as follows:				
9	"ARTICLE VIII. Electric Power Board.				
10	"Section 8.1. Power Board Created. (a) For the purpose of providing electric power				
11	generation, transmission, and distribution systems as authorized in Article 16 of Chapter 160A				
12	of the General Statutes, there is hereby established an Electric Power Board for the Town of				
13	Fontana Dam, to be known and designated as "The Town of Fontana Dam Electric Power				
14	Board," hereinafter referred to as the "Power Board." The Power Board shall consist of five				
15	members, who shall be appointed by the Town Council. Two of the members shall be residents				
16	of the Town, and three shall be at-large members who may reside outside of the Town but must				
17	be residents of the State of North Carolina. The members shall serve staggered terms of four				
18	years each and shall be eligible for successive terms. If a member resigns, dies, or otherwise				
19	becomes incapable of performing his or her duties, the Town Council shall appoint a person to				
20	fill the remainder of the term. A member of the Town Council shall be eligible to serve as a				
21	member of the Power Board.				
22	(b) In order to stagger the terms as provided in subsection (a) of this section, the initial				
23	Power Board members shall be appointed as follows: (i) two to serve for a term of four years,				
24	(ii) two for a term of three years, and (iii) one for a term of two years. Upon the expiration of				
25	the terms of the initial Power Board members, each member shall be appointed for a term of				
26	four years and shall serve until his or her successor is appointed.				
27	"Section 8.2. Independent Control. The Power Board, acting by itself or through its duly				
28	authorized officers and employees, shall have and maintain full control and complete				
29	jurisdiction over the management, operation, maintenance, and improvement of the electric				
30	utility system and may do any and all acts and things that are necessary, convenient, or				
31	desirable to the exercise of the control and jurisdiction and to the establishment, preservation,				
32	and promotion of an orderly, economic, and businesslike administration of the system. Except				
33	as expressly provided in this Article, the system shall be free from the jurisdiction, direction, or				
34	control of Town officers, Town employees, and the Town Council.				
35	"Section 8.3. Organization; Meetings. (a) The members of the Power Board shall meet as				
36	soon after their appointment as possible and shall elect out of their number a chair and				



General Assembly Of North Carolina Session 2015 1 secretary, each of whom shall be a different person. However, the Power Board may employ 2 someone who is not a member to serve as secretary and may, in its discretion, elect a member 3 to serve as vice-chair. The duties of each officer shall be as prescribed by the Power Board 4 from time to time and shall be consistent with the provisions of this Article. Each member of 5 the Power Board shall be entitled to vote on any question before the Power Board. 6 The Power Board shall hold at least one public meeting every other month and as (b) 7 many special meetings as may be necessary or convenient at a time and place to be determined 8 by the Power Board. The presence of three members of the Power Board shall constitute a 9 quorum. The Power Board shall keep a written record of all regular and special meetings. 10 "Section 8.4. Compensation. The members of the Power Board shall each receive 11 compensation from the funds under its control in a sum fixed by the Power Board in its annual 12 budget. 13 "Section 8.5. Surety Bonds. The Power Board may, in its discretion, and in an amount it 14 deems necessary, require surety bonds from any system officer or employee. Premiums for the 15 bonds shall be paid out of the funds of the system. 16 "Section 8.6. Duties. The Power Board shall do the following: 17 Keep the funds, books, and accounts of the electric utility system separate (1)and apart from all other funds, books, and accounts of the Town or any of 18 19 the departments of the Town. All funds handled by the Power Board shall be 20 paid over to the finance officer of the Power Board. The funds of the system, 21 including revenues from the operation thereof, shall be deposited in the 22 name of the Power Board. The funds shall be disbursed only on voucher 23 signed by the chair or general manager of the system issued pursuant to 24 resolution or order of the Power Board, a certified copy of which shall be 25 filed in the office of the finance officer of the Power Board. 26 <u>(2)</u> At the end of each fiscal year, cause the funds, books, and accounts of the 27 Power Board to be audited by a certified public accountant or an accountant 28 certified by the Local Government Commission as provided in G.S. 159-34. 29 The Town Council shall select the auditor, and the auditor shall report 30 directly to the Town Council. Upon giving reasonable notice, the Town 31 Council shall have full access to the books, accounts, and records of the 32 Power Board. 33 Make and file with the Town Council on the first day of January and the first (3)34 day of July of each year a financial statement showing the financial 35 operations of the system during the preceding six months and the financial 36 condition of the system. 37 (4) Exercise fiscal control related to all matters, including establishing and 38 maintaining an accounting system and designating an official depository, as 39 provided in Part 3 of Article 3 of Subchapter III of Chapter 159 of the 40 General Statutes. 41 Make and enforce all necessary and desirable rules and regulations for the (5) 42 efficient use, operation, and management of the system. 43 "Section 8.7. **Employment of Personnel.** The Power Board shall have the power to employ and fix the duties and compensation of its officers and employees as it deems necessary or 44 45 convenient for the operation of the system. The Power Board may employ a general manager 46 who shall be qualified by training and experience to supervise and manage the day-to-day 47 operation of the electric utility system. The general manager shall serve under the direction and 48 control of the Power Board and at the pleasure of the Power Board. The Power Board may 49 delegate to the general manager, among other things, the following powers and duties: 50 To determine the number of employees necessary for the operation of the (1)51 electric utility system and to establish their duties and compensation.

1 (2) To control the construction and repairs of utility facilities. 2 (3) To execute and enforce all rules, regulations, programs, plans, and decisions made or adopted by the Power Board. 4 (4) To prepare plans and specifications, accept bids, and execute contracts, according to standards established by the Power Board. 6 (5) To employ a finance officer who may be given the authority to handle the day-to-day financial operations of the Power Board, including billings and receiving payment for services provided by the Power Board. The finance officer shall conduct his or her duties as provided in Chapter 159 of the General Statutes. 7 Section 8.8. Bed of Electricity. The Power Board is hereby authorized and empowered to extend its electric system and to sell electricity in any area permitted in GS. 160A-312. 7 "Section 8.9. Rates. The Power Board shall fix rates to be charged for services rendered by the Power Board. 8 Section 8.9. Rates. The Power Board shall fix rates to be charged for services rendered by the Power Board. 8 Section 8.0. Revenue Bonds. The Power Board is hereby authorized to provide for the issuance of revenue bonds for the acquisition, construction, improvement, or expansion of the electric system from time to time in the manuer provided for the Town. Council pursuant to Article 5 of Subchapter IV of Chapter 159 of the General Statutes, shall be intext and the the day to the Town Council to provide for the issuance of the bonds pursuant to peneral law as directed by the Power Board. 10 MeenerBoard shall		General Assemb	oly Of North Carolina	Session 2015		
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 acts occur: (i) the Fontana Village Resort approves the transfer of the electric power grid under its ownership and control to the Town of Fontana Dam and (ii) the Town Council of the Town of Fontana Dam, in its discretion and by majority vote, approves the operation of an electric utility system as provided in Section 1 of this act. If both of these acts do not occur, Section 1 of this act shall have no force and effect. 	42	contract or conde	emnation shall be taken in the name of the Town of Fonta	ana Dam."		
 its ownership and control to the Town of Fontana Dam and (ii) the Town Council of the Town of Fontana Dam, in its discretion and by majority vote, approves the operation of an electric utility system as provided in Section 1 of this act. If both of these acts do not occur, Section 1 of this act shall have no force and effect. 	43	SECT	FION 2. Section 1 of this act becomes effective only if	both of the following		
 of Fontana Dam, in its discretion and by majority vote, approves the operation of an electric utility system as provided in Section 1 of this act. If both of these acts do not occur, Section 1 of this act shall have no force and effect. 	44	acts occur: (i) the	e Fontana Village Resort approves the transfer of the electronic sector of the electronic sector approves the transfer of the electronic sector secto	ctric power grid under		
47 utility system as provided in Section 1 of this act. If both of these acts do not occur, Section 148 of this act shall have no force and effect.		its ownership and control to the Town of Fontana Dam and (ii) the Town Council of the Town				
48 of this act shall have no force and effect.						
			-	o not occur, Section 1		
49 SECTION 3. This act is effective when it becomes law.						
	49	SECT	FION 3. This act is effective when it becomes law.			