

ARTICLE 50

Other Services and Functions

by David M. Lawrence

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THIS ARTICLE BRIEFLY examines several functions and activities that are performed by only a limited number of counties and cities. Small numbers of local governments are still involved in financing hospitals and establishing armories. Larger numbers support cemeteries; art galleries and museums; and auditoriums, coliseums, and convention centers.

Armories

Counties and cities in North Carolina are authorized to acquire property suitable for use as an armory or on which an armory might be constructed (G.S. 127A-165). They are also authorized to make appropriations for the purpose of building armories, either alone or to supplement funds available for that purpose from the state and federal governments (G.S. 127A-167). All such property may be leased or conveyed to the state of North Carolina for use by the North Carolina National Guard and other properly organized militia organizations.

Both counties and cities may levy property taxes to support the acquisition of property for armories or to build armories, but cities (but not counties) must receive voter approval before doing so. Both counties and cities may also issue general obligation bonds to finance the provision of armories.

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The Division of the National Guard, a part of the state's Department of Crime Control and Public Safety, is responsible for the general management and the administration of armories and related facilities in the state. Title to all of the armories are now in the state, with two exceptions: one is leased from Kinston and one (in Wilmington) is leased from the federal government.¹

Funding for new armories is shared among federal, state, and local governments. The land for a new armory must be provided by one or more local governments. The cost of site preparation is shared evenly between the state and one or more local governments. The federal government, subject to specific appropriations by Congress, provides 75 percent of the construction cost. The remaining 25 percent of the construction cost is shared between the state and local governments.

Armories are also available for general community uses under rules and regulations established by the local unit commander. The National Guard encourages use of the facilities by local governments and private groups.

Arts Programs and Museums

North Carolina local governments have broad authority in providing arts programs and museums. G.S. 160A-488 authorizes cities and counties to establish and support museums, art galleries, and arts centers as long as the facilities are open to the public. As used in this statute, *arts* refers "to the performing arts, visual arts, and literary arts and includes dance, drama, music, painting, drawing, sculpture, printmaking, crafts, photography, film, video, architecture, design and literature, when part of a performing, visual or literary arts program."

The support may include purchasing works of art as well as providing buildings and meeting operating and maintenance expenses. Moreover, local governments may operate such programs directly or contract with any public or nonprofit private organization to establish and operate them. They may levy property taxes to support the programs and issue general obligation bonds to finance the acquisition or the construction of museums and other arts facilities.

Over 100 cities in the state make significant contributions to the support of arts programs and museums, and most counties provide some support for arts and cultural activities. A few cities operate some facilities directly. Most cities, however, have agreements with private nonprofit associations through which they direct their support. Similarly, while a few counties operate county history museums or provide exhibition space in county libraries or other county facilities, it is more common to provide support through nonprofit associations.

Auditoriums, Coliseums, and Convention Centers

G.S. 153A-445 and 160A-489 authorizes counties and cities, respectively, to establish and support public auditoriums, coliseums, and convention centers. Support includes the acquisition and the construction of these facilities and their operation, maintenance, and improvement. Local governments may use any funds they have available whose use is not otherwise limited by law; this includes the levy of property taxes and the issuance of general obligation and revenue bonds and entering into installment financing agreements.

Local officials agree that outlays for auditoriums, coliseums, and convention centers are investments in economic development, cultural opportunities, and tourism. Rarely are such facilities fully self-supporting from revenues of the activities and the events presented in them. A facility is usually considered financially successful if it produces enough revenues to cover all operating and maintenance costs.

Most facilities of this sort are built and operated by cities. County governments have been involved in only a few cases, sometimes as the sole owner and sometimes in partnership with a city or town. While small and medium-sized cities may have facilities adequate for small conferences and sports events, only the large cities in the state have facilities adequate to handle major conventions and conferences and large sports events. In some cities the operation of the facilities is part of the general administrative arrangements, and the directors report to the city manager. In other cities a separate board has been created and given general responsibility for supervising the operation of the facilities, including appointment of management personnel.

1. Major Danny Hassell, assistant construction and management officer, North Carolina National Guard, telephone interview with author, May 3, 1995.

All counties have meeting rooms and facilities that are available to some extent to community groups. These are found in agricultural extension offices, courthouse or county administrative buildings, and libraries, for example. A few are known as community service buildings and are large enough to handle small conventions, although not designed primarily for that purpose. Community colleges also have auditorium and meeting facilities. Some are designated as civic centers and cater to small conventions and exhibitions.

Cemeteries

Concern for the proper burial of the deceased has been almost universal throughout history. Well-maintained cemeteries evidence respect for the dead, are often significant in connection with religious burial rituals, and are important in safeguarding the public health. No one knows the number of active, inactive, and abandoned cemeteries in North Carolina, but it is clearly in the tens of thousands. The number of cities that maintain cemeteries is not known, but is probably 200 or so.

State law generally regulates the operation of cemeteries. The North Carolina Cemetery Act (G.S. Chapter 65, Article 9) governs the operations of cemeteries and applies to all cemeteries except those operated and maintained by governmental units and churches. G.S. 65-13 prescribes the procedures to be followed in the disinterment, removal, and reinterment of graves. These procedures are carried out under the direction of the governing board or by appropriate officials designated by the governing board.

Cities are authorized to own, operate, and maintain cemeteries both within and outside their boundaries and may take over abandoned cemeteries within their boundaries (G.S. Chapter 160A, Article 17). A city may directly operate a city cemetery, or the council may appoint a board of trustees, transfer the cemetery to the board, and vest in the board full authority for operating and maintaining the cemetery. A city may adopt rules and regulations with respect to the operation of its cemetery, establish a schedule of fees and charges, and levy property taxes for the cemetery's support. A board of trustees, if established, has the same powers except that its support from tax funds is secured through annual appropriations from the city.

Municipal cemeteries are increasingly viewed as a cultural and recreational amenity. When attractively landscaped with flowers, shrubs, and trees, they provide open space, a quiet place for walking, a serene setting for those interested in gaining insights into the social indicators reflected in headstones and monuments, and a resource for genealogical investigations. In some cities, cemeteries are operated as a part of the parks and recreation department.

County governments generally do not operate cemeteries; they do have important, but limited, duties and responsibilities with respect to cemeteries not inside cities. A primary duty is set forth in G.S. 65-1. This statute imposes on counties the duty "to prepare and keep on record in the office of the register of deeds a list of all public cemeteries in the counties outside [cities and towns] and not established and maintained [for a city or town], together with the names and addresses of the persons in possession and control of the [cemeteries]." The lists prepared by a county must also include a list of "public cemeteries [in the county] that have been abandoned." The board of commissioners are directed to supply a copy of these lists to the office of the secretary of state. At the beginning of 2006, however, the secretary of state's office had received such a list from only a handful of counties.

G.S. 65-2 authorizes boards of county commissioners to appropriate up to \$50 as one-third of the cost of beautifying cemeteries if the operators provide the other two-thirds of the cost. Obviously, this is a very old statute and the amount specified probably indicates its nonuse.

G.S. 65-3 requires boards of county commissioners to assume control of abandoned cemeteries in their respective counties and authorizes them to appropriate funds to protect the cemeteries and establish their boundaries. The commissioners may appoint a board of trustees to carry of these duties and may levy property taxes to support expenditures under this statute.

Counties are also permitted, by G.S. Chapter 153A, Article 16, to establish county service districts for the purpose of operating and maintaining cemeteries, although no county is known to have done so.

Although there has been no recent survey of the level of county government expenditures for cemetery purposes, as the above paragraphs suggest the outlays by most counties for cemetery purposes are quite small.

Hospitals

North Carolina counties and cities have broad authority to provide hospital services (G.S. 131-5 through -14.1). They may build, operate, and support all types of hospitals. Support includes leasing hospitals to other governmental agencies or private corporations, both for-profit and nonprofit. Local governments may issue general obligation bonds (G.S. 159-48) and revenue bonds (G.S. Chapter 159, Article 9) to finance the construction of hospitals and other medical facilities. Property taxes may be levied for hospital purposes (G.S. 160A-209).

North Carolina cities initiated hospital activities after the Civil War, but very few cities were involved during the nineteenth century.² Activities increased in the twentieth century, reaching their peak after World War II. Most hospital support in this century has been from county governments, and in the past twenty years most county hospitals have been leased or conveyed to private nonprofit organizations. Counties continue to be responsible for much of the construction of facilities, but not for operation. In 2004 there were 117 licensed acute care hospitals and seven licensed long-term care hospitals in the state that collectively had 20,862 licensed acute care beds. They had an average occupancy rate of 58.7 percent, a rate that had been climbing since 1999 after a ten-year decline.³ Fewer than a dozen of these 124 hospitals were significantly supported by city governments.

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2. For a brief history of the development of hospitals in North Carolina, see Anne Dellinger, "Hospitals," in *State-Local Relations in North Carolina*, ed. Charles D. Liner, ch. 5 (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 1985).

3. North Carolina Department of Human Resources, Division of Facility Services, *2006 State Medical Facilities Plan*, p. 33, available on the Internet at <http://facility-services.state.nc.us/plan2006/plan2006.pdf>.