

NORTH CAROLINA GENERAL ASSEMBLY  
1967 SESSION

CHAPTER 393  
SENATE BILL 278

AN ACT TO AMEND CHAPTER 400 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1913, AND CHAPTER 234 OF THE 1961 SESSION LAWS OF NORTH CAROLINA, WHICH TOGETHER CONTAIN THE LEGISLATIVE CHARTER OF THE MOSES H. CONE MEMORIAL HOSPITAL.

WHEREAS, a legislative Charter was granted to The Moses H. Cone Memorial Hospital under Chapter 400 of the Private Laws of North Carolina, Session of 1913, and was amended by Chapter 234 of the 1961 Session Laws of North Carolina, and this legislative Charter, as so amended, now provides for the governance of the said corporation by a board of trustees consisting of 15 members who are appointed and elected for four-year terms; and

WHEREAS, 11 of these 15 trustees, or more than two thirds of the entire board of trustees, are now appointed and elected at one time every four years, so that the present arrangement permits the possibility of an almost complete turnover in the membership of the board of trustees at each such four-year interval which would destroy continuity of service on the said board of trustees; and

WHEREAS, the Governor of North Carolina is now required to appoint three members of the said board of trustees every four years, and the obligation of the Governor of North Carolina to make these appointments for this corporation simply adds one more burden to the already heavy burdens of his office; and

WHEREAS, the Board of Trustees of The Moses H. Cone Memorial Hospital now deems it advisable to relieve the Governor of North Carolina from any obligation to appoint trustees for the said corporation, and to arrange that the three trustees formerly appointed by the Governor of North Carolina shall henceforth be elected by the members of the board of trustees in office from time to time; and also deems it advisable to assure continuity of service on the said board of trustees by arranging for the trustees to serve staggered terms of three years with five of the 15 trustees to be appointed and elected each year: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That Section 10 of Chapter 400 of the Private Laws of North Carolina, Session of 1913, as previously amended by Chapter 234 of the 1961 Session Laws of North Carolina, now be, and it hereby is, amended to read as follows:

"Sec. 10. That the said corporation shall be governed by a board of trustees which shall consist of 15 members and which shall be known and designated as "The Board of

Trustees of The Moses H. Cone Memorial Hospital"; that the said board of trustees shall have and exercise all the powers hereinbefore and hereinafter conferred upon the board of trustees; shall have perpetual succession; shall hold and administer the property, franchises, and effects of the corporation, and shall receive, in the name and on behalf of the corporation, any property and gifts; and shall carry out fully the trusts imposed upon the said board of trustees.

"That the said board of trustees shall be perpetuated as follows: The regular term of office of a trustee shall be three years, and the terms of the trustees shall be staggered with five of the 15 trustees to be appointed and elected each year. One of the 15 trustees, and his successors forever, shall be appointed by the City Council of the City of Greensboro and its successors in office; one of the 15 trustees, and his successors forever, shall be appointed by the Board of Commissioners of the County of Guilford and its successors in office; and one of the 15 trustees, and his successors forever, shall be appointed by the Guilford County Medical Society or such agency as may hereafter succeed to the powers and duties now exercised and performed by the said Guilford County Medical Society; and one of these three trustees shall be appointed each year, in rotation, by one of these three agencies, each of which shall fill its one position on the board of trustees by appointment every three years (in alternate years). The remaining 12 of the 16 trustees, and their successors forever, shall be elected by the members of the board of trustees in office from time to time; and four of these 12 trustees shall be elected by the board of trustees each year.

"That the election of trustees by the board of trustees shall be by a majority vote of the members present at any meeting of the said board of trustees at which there is a quorum, and any member of the board of trustees may vote upon the election of his successor. Each trustee appointed or elected for a regular term shall take office at noon on the second Wednesday in May, and shall serve for the regular term of three years and thereafter until his successor is duly appointed or elected and qualified. A trustee may be appointed or elected for an irregular or interim term at any time, however, by the agency (including the board of trustees) which is authorized to fill the position, in order to establish or maintain the staggering of terms or to fill an unexpired term; and in such case the trustee so appointed or elected shall serve for the irregular or interim term or for the remainder of the unexpired term and thereafter until his successor is duly appointed or elected and qualified.

"That if the City Council of the City of Greensboro (or its successors), or the Board of Commissioners of the County of Guilford (or its successors), or the Guilford County Medical Society (or its successors) shall fail or refuse at any time to appoint a trustee to fill its position on the board of trustees within 60 days after notification that its position on the board of trustees is or is about to be vacant, then after the expiration of this 60-day period the board of trustees itself may elect a trustee to such position to serve until the time designated herein for the next appointment by such agency. The City Council of the City of Greensboro, the Board of Commissioners of the County of Guilford, and the Guilford County Medical Society, and their respective successors, are also authorized and empowered to issue to their appointees as members of the Board of

Trustees of The Moses H. Cone Memorial Hospital such certificates of appointment as each such agency may deem proper."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1967.