

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 784
SENATE BILL 352

AN ACT TO CONSOLIDATE AND TRANSFER ALL AUTHORITY, CONTROL AND ADMINISTRATION OF THE PUBLIC SCHOOLS OF LEE COUNTY TO THE SANFORD-LEE COUNTY BOARD OF EDUCATION, TO AUTHORIZE THE LEVY OF A SUPPLEMENTAL SCHOOL TAX NOT IN EXCESS OF TWENTY CENTS ON THE ONE HUNDRED DOLLARS VALUATION, AND TO PROVIDE FOR A REFERENDUM TO DETERMINE WHETHER OR NOT THIS ACT SHALL BE EFFECTIVE.

The General Assembly of North Carolina do enact:

Section 1. The purpose of this Act, among others, is to provide an enabling statute, in addition to other statutes which may be available for such purpose, for the consolidation of the Sanford City Board of Education and the Lee County Board of Education.

Sec. 2. In the event of consolidation as herein provided the following shall apply:

(1) On the effective date of consolidation, as hereinafter provided, the terms of office of the five persons then constituting the Lee County Board of Education and of the seven persons then constituting the Sanford City Board of Education shall terminate, regardless of whether said persons were appointed or elected to office.

(2) From and after the effective date of consolidation, as hereinafter provided, the Sanford-Lee County Board of Education shall consist of seven members of which one shall be a resident of each of the seven townships of Lee County.

(3) The initial membership of the Sanford-Lee County Board of Education shall be determined as follows:

a. Of the twelve persons who comprise the membership of the Sanford City Board of Education and the Lee County Board of Education, all of those who reside in the same township shall draw lots to determine which one shall represent that township.

b. Any vacancy on the board which is not filled by the foregoing provision shall be filled by appointment by the Board of County Commissioners of Lee County.

(4) The terms of the initial members of the Sanford-Lee County Board of Education shall be as follows:

a. The members from the Townships of West Sanford, Greenwood and Cape Fear shall serve as a member of said board of education from the date of consolidation until the first Monday in December 1964.

b. The members from the Townships of East Sanford, Jonesboro, Pocket, Deep River shall serve as a member of said board from the date of consolidation until the first Monday in December 1966.

(5) Following the aforesaid initial terms the regular term of office for all members of the Sanford-Lee County Board of Education shall be four years. No person shall be eligible to serve more than eight successive years.

(6) All vacancies occurring during a term of office shall be filled by appointment by the board of county commissioners for the unexpired portion of the term.

(7) At the time of the primaries for nomination of county officers in 1964, and biennially thereafter, the same number of persons shall be elected as the number of members whose terms or appointments shall expire in that year. The names of the candidates shall be placed on a separate ballot bearing no party designation and no party affiliation need be indicated at the time of filing. Candidates shall file by 6:00 P. M. on or before the sixth Saturday before the date on which the election is to be held and each candidate shall pay a filing fee of ten dollars (\$10.00) and certify in writing the exact location of his residence and that he is a bona fide resident thereof. The candidates from each of the townships shall be voted on by the electors of Lee County voting as a whole and the candidate from each of the townships receiving the highest number of votes shall be declared elected. Voting machines may be used for such election. The persons elected shall qualify by taking the oath of office on the first Monday in December next succeeding their election and shall hold office for a term of four years and until their successors are elected and qualified.

(8) The consolidated board shall be the county board of education in and for Lee County and shall have county-wide jurisdiction over the public school system in Lee County, including all municipalities located therein. The name of the consolidated board shall be: Sanford-Lee County Board of Education. The word "Board" and words "Consolidated Board"; namely, the Sanford-Lee County Board of Education.

(9) Members of the Sanford-Lee County Board of Education shall be residents of Lee County. No person shall serve as a member of the board while holding an elective office. These eligibility provisions are supplemental to other eligibility requirements provided by law.

(10) For the fiscal year beginning July 1 immediately following consolidation of the two boards of education, if the consolidated board is not created in sufficient time to present its supplemental budget and its capital outlay, debt service and current expense budgets within the time prescribed by law for said fiscal year, the members of the Lee County Board of Education and the members of the Sanford City Board of Education, acting jointly and by a majority vote of all members present, shall determine the amount and contents of the supplemental budget requested for the fiscal year beginning July 1 of that year, and shall give the Board of Commissioners of Lee County due notice thereof in time to include said tax with all other taxes to be levied by

said board of commissioners for that year, and the said two boards of education, acting in like manner, shall prepare and submit to the said board of commissioners the capital outlay, debt service, and current expense budgets for that fiscal year within the time prescribed by law. The Board of Commissioners of Lee County may approve or disapprove the supplemental budget in whole or in part and shall levy such tax as necessary to provide for the approved budget for supplemental purposes, not exceeding the amount of the tax levy authorized by vote of the people. The expenditure of the proceeds of said levy shall be in accordance with the aforesaid supplemental budget as approved by the Board of Commissioners of Lee County. In the event of a disagreement between the Lee County Board of Education and the Sanford City Board of Education acting jointly, on the one hand, and the Board of Commissioners of Lee County, on the other hand, as to the amount of the supplemental tax levy to be made, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina, Section 115-87 and Section 115-88.

(11) Each year following the consolidation of the two boards of education, at the same time the other budgets are filed, the Sanford-Lee County Board of Education shall file a supplemental budget and request that a sufficient levy be made by the Board of Commissioners of Lee County on all taxable property located within said county not to exceed the rate voted by the people in said county. The Board of Commissioners of Lee County may approve or disapprove the supplemental budget in whole or in part, and shall levy such taxes as necessary to provide for the approved budget for supplemental purposes, not exceeding the amount of the tax levy authorized by the vote of the people. The expenditure of the proceeds of said levy shall be in accordance with the aforesaid supplemental budget as approved by the Board of Commissioners of Lee County. In the event of a disagreement between the Sanford-Lee County Board of Education and the Board of Commissioners of Lee County as to the amount of the supplemental tax levy to be made, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina, Section 115-87 and Section 115-88.

(12) Title to all property of the Sanford City Board of Education, both real and personal, of every kind and description, shall be vested in the Sanford-Lee County Board of Education as of the effective date of consolidation. Title to all property of the Lee County Board of Education, both real and personal, of every kind and description shall be vested in the Sanford-Lee County Board of Education as of the effective date of consolidation. The Sanford City Board of Education and the Lee County Board of Education shall have full and ample authority to execute without consideration therefor or public sale of the property involved, all such deeds and other instruments as may be deemed necessary or proper to vest record title to any such property in the Sanford-Lee County Board of Education.

(13) The Sanford-Lee County Board of Education may appoint an advisory council for any school within the system. The purpose and function of an advisory council shall be to serve in an advisory capacity to the board on matters affecting the school for which it is appointed. The organization, terms, composition and regulations for the operation of such advisory councils shall be determined by the board.

(14) All and any powers, rights, claims and demands of every kind which the Sanford City Board of Education and the Lee County Board of Education may have as of the effective date of consolidation shall pass and be transferred to the Sanford-Lee County Board of Education and the Sanford-Lee County Board of Education shall have the same power and authority to enforce said powers, rights, claims and demands as the Sanford City Board of Education or the Lee County Board of Education would have had in the event of its or their continuing existence.

(15) Any obligations or liabilities of the Sanford City Board of Education and the Lee County Board of Education existing as of the effective date of consolidation, shall be and become the obligations and liabilities of the Sanford-Lee County Board of Education and such obligations and liabilities may be enforced against said Sanford-Lee County Board of Education to the same extent that they might have been enforced against the Sanford City Board of Education or Lee County Board of Education in the event of its or their continued existence.

(16) In addition to the election of a chairman in accordance with the provisions of Chapter 115 of the General Statutes, the Sanford-Lee County Board of Education may also select one of its members as vice-chairman who shall preside at all meetings of the boards in the absence of the chairman and whenever the board shall have duly authorized the execution of any contract, conveyance, or other instrument, the vice-chairman shall have the same authority as the chairman to execute the same on behalf of the board. In the event of absence or inability of both the chairman and vice-chairman, the board, by resolution duly adopted and spread upon the minutes of any meeting may authorize any other member to execute any contract, conveyance or instrument for and on behalf of the board. No person shall serve as chairman for more than four consecutive years,

(17) The superintendent of schools shall be ex officio secretary of the board as provided by G. S. 115-56. The board may elect an assistant secretary to serve at the pleasure of the board. The assistant secretary may be, but shall not be required to be, a member of the board. Such assistant secretary may perform the duties of the secretary of the board when the secretary is absent from any meeting or for any other reason is unable to perform his duties as secretary. The assistant secretary shall have authority to attest all contracts, conveyances, and other instruments which are required by law to be attested by the secretary. The secretary, or in his absence, the assistant secretary, shall keep the minutes of all meetings of the board and it shall be the duty of such secretary or assistant secretary to furnish each member of the board of education and board of county commissioners with a copy of the minutes as soon after any meeting as may be reasonably practicable.

(18) In addition to the election of a superintendent of schools in the manner provided by the general law, the board may employ, upon recommendation of the superintendent, such associate superintendents and assistant superintendents and such other administrative officers as it may deem necessary and proper, and prescribe their duties. They may be elected to serve at the pleasure of the board or for such terms as may be fixed by the board, but the terms of any associate superintendents or assistant superintendents shall not exceed the term for which the superintendents are employed.

All principals, supervisory personnel, and teachers shall be employed by the board, upon recommendation of the superintendent. The board may delegate to the superintendent of schools, or to one or more associate superintendents or assistant superintendents or to other administrative officers, authority to employ and prescribe the duties of all other employees or classes of employees, including janitors and maids, and to fix the compensation within such limits as the board may prescribe and to determine the terms or periods for which they shall be employed. The compensation of administrative officers of the board shall be fixed by the board. Out of any local supplement the board may pay to any employee or employees such compensation, in addition to compensation paid such employee or employees by the State, as it may deem proper. Article 7 of Chapter 115 of the General Statutes (School Committees) shall not apply to Lee County.

(19) A majority of the full membership of the Sanford-Lee County Board of Education shall constitute a quorum.

(20) All taxes for school purposes levied and uncollected and all taxes for school purposes collected and not paid over to the Lee County Board of Education and the Sanford City Board of Education shall be paid to the Sanford-Lee County Board of Education.

Sec. 3. If any clause, sentence, paragraph or provision of this Act shall for any reason be adjudged by any Court to be unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph or provision adjudged unconstitutional or invalid.

Sec. 4. The provisions of this Act shall prevail over any inconsistent provisions of Chapter 115 of the General Statutes of North Carolina and other general or special Acts.

Sec. 5. This Act, and the preceding Sections of this Act, shall become operative and effective only if all of the following conditions are complied with and met:

(1) An election, as hereinafter provided, is called and held in Lee County on a county-wide basis in which there shall be submitted to the qualified voters of Lee County the proposition or question as to whether or not there shall be authorized and provided a supplemental school tax not to exceed twenty cents (20¢) on the one hundred dollars (\$100.00) valuation of property in Lee County, which shall be in lieu of the existing school tax for the Sanford City Board of Education.

(2) A majority of the votes cast in said election favor said supplemental school tax to be levied and collected on a county-wide basis.

The Board of Commissioners of Lee County, in its discretion, may upon the passage of a resolution of said board, order said election to be held and conducted at any time and may order such election in each calendar year according to the opinion and judgment of said board as to whether or not said election shall be called or not be called. If the Board of Commissioners of Lee County shall decide to call any said election, then said election shall be held and conducted under the applicable provisions of Article 14 of Chapter 115 of the General Statutes (Replacement Volume 1960), and particularly

tinder the provisions of G. S. 115-122 (Replacement Volume 1960, and as to all matters and things in the conduct of said election which may not be regulated by the Statutes above referred to the General Election Laws of the State shall apply.

If the said supplemental school tax, as above set forth, is approved by a majority of the votes cast in said election and the above conditions are met prior to the first day of June of any year, the effective date of the transfer of the authority and administration of all of the public schools of Lee County to the Sanford-Lee County Board of Education shall be July I of that particular year. If the aforesaid conditions are met after the first day of June of any year, the effective date of the transfer of the authority and administration of all of the public schools of Lee County of the Sanford-Lee County Board of Education shall be July 1 of the next or following year. In either event, the Board of Commissioners of Lee County shall have authority to levy and collect a tax, not exceeding the amount authorized by the election above referred to, for the fiscal year beginning on the effective date of consolidation or said transfer of power of said school administration above referred to. If a majority of the votes cast in said election shall oppose said supplemental tax or be in the negative, then nothing in this Act shall affect the supplemental school tax, or any other school tax levied and collected for the Sanford City Schools.

Sec. 6. The expression or name Sanford City Board of Education as used in this Act embraces and encompasses the operation of the public schools in Sanford, Lee County, North Carolina, which system has been known as the Sanford City Schools, The Sanford Graded School District, the Jonesboro Graded School District, The Trustees of the Sanford Graded School District, and perhaps by other names.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1961.