

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 788  
SENATE BILL 436

AN ACT TO PROVIDE FOR THE CONSOLIDATION OF THE LEAKSVILLE TOWNSHIP BOARD OF EDUCATION, THE MADISON-MAYODAN CITY BOARD OF EDUCATION, THE REIDSVILLE CITY BOARD OF EDUCATION AND THE ROCKINGHAM COUNTY BOARD OF EDUCATION.

WHEREAS, it has been requested by unanimous vote of the Rockingham County Board of Commissioners that the following Act be introduced: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The purposes of this Act, among others, are to continue the existence of the Rockingham County Board of Education and to provide an enabling statute, in addition to other statutes which may be available for such purpose, for the consolidation and merger of the Leaksville Township Board of Education, the Madison-Mayodan City Board of Education and the Reidsville City Board of Education into said Rockingham County Board of Education. Consolidation and merger under this Act may be effected under the plan hereinafter set forth.

Sec. 2. The Leaksville Township Board of Education, the Madison-Mayodan City Board of Education, the Reidsville City Board of Education, and the Rockingham County Board of Education, by majority vote of the full membership of each of said Boards, may petition the Board of Commissioners of Rockingham County for a county-wide election on the question of consolidation and merger under the plan hereinafter set forth. The ballots used in said election shall include, among other matters written or printed thereon, the words "For Consolidation" and "Against Consolidation". Upon receipt of such petition from three or more of the above named Boards of Education, the Board of Commissioners of Rockingham County may call an election and fix the date for the same.

Sec. 3. The following provisions shall apply in the event of consolidation under this Act:

(a) On the effective date of consolidation, as hereinafter provided, the terms of office of the persons then constituting the Leaksville Township Board of Education, the Madison-Mayodan City Board of Education, the Reidsville City Board of Education, and the Rockingham County Board of Education shall terminate, regardless of whether said persons were appointed or elected to office, and the Chairman and Vice-Chairman of the Leaksville Township Board of Education, the Chairman of the Madison-Mayodan City Board of Education, the Chairman and Vice-Chairman of the Reidsville City Board

of Education, and the Chairman and Vice-Chairman of the Rockingham County Board of Education shall, on said date, automatically become members of and, shall constitute the Rockingham County Board of Education and shall as of said date commence serving their initial terms on said Board, and shall continue to serve on said Board until their successors are elected and qualified as hereinafter provided.

(b) At the first regular biennial county-wide election held after consolidation members of the Rockingham County Board of Education shall be elected. Rockingham County shall be divided into the following districts for the purpose of electing members of the County Board of Education: Leaksville Township District composed of the area formerly included in the Leaksville Township Administrative School Unit, the Madison-Mayodan City District composed of the area formerly included in the Madison-Mayodan City Administrative School Unit, the Reidsville City District composed of the area formerly included in the Reidsville City Administrative School Unit, and the County District composed of the area formerly included in the Rockingham County Administrative School Unit. At the regular biennial county-wide election two members shall be elected from the Leaksville Township District, one member from the Madison-Mayodan District, two members from the Reidsville District and two members from the County District. Candidates for election to the Rockingham County Board of Education shall be nominated by their respective political parties in their district at the same time and in the same manner as other county officers. Each candidate for nomination for the office of membership on the Rockingham County Board of Education shall, at the time of filing his notice of candidacy, certify in writing the exact location of his residence and that he is a bona fide resident of Rockingham County and the School District for which he is a candidate for membership on the Board of Education. The two candidates of each party receiving the highest number of votes in the Leaksville Township District, the Reidsville District and the County District and the candidate of each party receiving the highest number of votes in the Madison-Mayodan District shall be declared the nominees of their party, and there shall be no second primary election. At the general election the members of the Rockingham County Board of Education shall be elected on a county-wide basis, The person from the Leaksville Township District receiving the larger number of votes at the county-wide biennial general election shall be elected for a four-year term commencing the first Monday in December following the election, and the person from Leaksville Township District receiving the second highest number of votes at said general election shall be elected for a two-year term commencing the first Monday in December following his election and his successors thereafter shall be elected every four years for four-year terms. The person from the Reidsville District receiving the larger number of votes at the county-wide biennial general election shall be elected for a four-year term commencing the first Monday in December following the election, and the person from Reidsville District receiving the second highest number of votes at said general election shall be elected for a two-year term commencing the first Monday in December following his election and his successors thereafter shall be elected every four years for four-year terms. The person from the County District receiving the larger number of votes at the county-wide biennial general election shall be elected for a four-year term commencing

the first Monday in December following the election, and the person from the County District receiving the second highest number of votes at said general election shall be elected for a two-year term commencing the first Monday in December following his election and his successors thereafter shall be elected every four years for four-year terms. The person from the Madison-Mayodan City District elected at the regular county-wide biennial general election shall be elected for a four-year term commencing the first Monday in December following the election, and his successor in office shall be elected every four years thereafter.

(c) All vacancies occurring during a term of office shall be filled by appointment by the remaining members of the Rockingham County Board of Education for the unexpired portion of the term.

Sec. 4. The following further provision shall apply in the event of consolidation under this Act:

(a) The Consolidated Board shall be the County Board of Education in and for Rockingham County and shall have county-wide jurisdiction over the public school system in Rockingham County, including all municipalities located therein. The name of the Consolidated Board shall be: Rockingham County Board of Education. The word "Board", and words "Consolidated Board" wherever used in this Act shall refer to the Consolidated Board; namely, the Rockingham County Board of Education.

(b) Members of the Rockingham County Board of Education shall be residents of Rockingham County and residents of the District they represent. No person shall serve as a member of the Board while holding any other elective office. These eligibility provisions are supplemental to other eligibility requirements provided by law.

(c) For the fiscal year beginning July 1st immediately following consolidation, the Board shall prepare and submit to the Board of Commissioners the capital outlay, debt service, and current expense budget for the fiscal year within the time prescribed by law.

(d) Consolidation under the provisions of this Act shall in no way affect the local supplemental taxes already voted in the Leaksville District and the Reidsville District, however, the local supplemental taxes collected in each of these two Districts shall be budgeted and spent in the respective District from which they have been collected, and shall not be applied, in whole or in part, to any expense not solely incurred in the District in which such taxes were levied. For the fiscal year beginning July 1st immediately following the consolidation the Board shall determine the amount and contents of the supplemental budget requested for the fiscal year beginning July 1st of that year for the Leaksville District and the Reidsville District and shall give the Board of Commissioners of Rockingham 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. The Board of Commissioners of Rockingham 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 in the two districts having local supplemental taxes. The expenditure of the proceeds of said levy in the two districts shall be in accordance with the aforesaid supplemental budget as approved by the Board of

Commissioners of Rockingham County. In the event of a disagreement between the Rockingham County Board of Education and the Board of Commissioners of Rockingham County as to the amount of the supplemental tax levy to be made, in the Leaksville District and the Reidsville District, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina, Section 115-87 and Section 115-88.

(e) Each year following the consolidation the Rockingham County Board of Education shall file supplemental budgets for the Leaksville Township District and the Reidsville City District and request that a sufficient levy be made by the Board of Commissioners of Rockingham County on all taxable property located within said districts not to exceed the rate theretofore voted by the people in said Districts. The Board of Commissioners of Rockingham County may approve or disapprove the supplemental budgets in whole or in part, and shall levy such taxes as necessary to provide for the approved budgets for supplemental purposes not exceeding the amount of the tax levy authorized by the vote of the people in the Districts. The expenditure of the proceeds of said levy shall be in accordance with the aforesaid supplemental budgets as approved by the Board of Commissioners of Rockingham County. In the event of a disagreement between the Rockingham County Board of Education and the Board of Commissioners of Rockingham County as to the amount of the supplemental tax levy to be made in said Districts, such a disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina, Section 115-87 and Section 115-88.

(f) The local supplemental tax in the Leaksville Township District and the local supplemental tax in the Reidsville City District shall be discontinued only by vote as provided by General Statutes of North Carolina, Chapter 115.

The Rockingham County Board of Education may petition the Board of Commissioners of Rockingham County for an election upon the question of a local or supplemental tax in either or both of the two districts which do not have a supplemental tax, or petition for a county-wide vote on a county-wide supplemental tax pursuant to the provisions of Chapter 115 of the General Statutes of North Carolina.

Sec. 5. All property taxes, poll taxes and dog taxes levied for school purposes, including levies for current expense, capital outlay and special supplement shall be deposited by the Rockingham County Tax Collector in the county general fund. All other funds which by law are to be used for school purposes and which are collected by the County Treasurer shall be deposited in the general fund.

Sec. 6. All expenditures shall be in accordance with approved budgets and appropriations as required by law; provided, however, that the Rockingham County Board of Education shall have authority to establish and control the expenditure of special funds, such as cafeteria funds, adult education funds, book and supply fee funds, funds established with gifts for special purposes prescribed by the donors thereof, and other miscellaneous funds not in conflict with existing laws. All such funds shall be subject to audit as in the case of all other public school funds and no tax revenues or other moneys prescribed by law to be used for school purposes shall be set up in any special or trust fund without the authority and approval of the Board of Commissioners of Rockingham County.

Sec. 7. All local funds for school purposes shall be disbursed by checks signed by the Superintendent or by an Assistant Superintendent duly authorized by the Rockingham County Board of Education to sign checks, and all checks shall be countersigned by the County Auditor. The Board shall have authority to authorize the use of a check signing machine to affix any of the required signatures.

Sec. 8. In addition to the election of a Chairman in accordance with the provisions of Chapter 115 of the General Statutes, the Rockingham County Board of Education may also select one of its members as Vice-Chairman, who shall preside at all meetings of the Board in the absence of the Chairman, and whenever the Board shall have duly authorized the execution of any contracts, 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.

Sec. 9. 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 with a copy of the minutes as soon after any meeting as may be reasonably practicable.

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 Superintendents 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 in any of the districts having a 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.

A majority of the full membership of the Rockingham County Board of Education shall constitute a quorum, provided one member from each of the four Districts is present.

Sec. 10. The Rockingham County Board of Education by resolution duly adopted may subdivide the County into any number of school districts in excess of the four Districts provided for in this Act. The Rockingham County Board of Education may appoint a School Committee for any school within the system. The purpose and function of a School Committee 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 School Committees shall be determined by the Board.

Sec. 11. The title to all property of the Leaksville Township Board of Education, the Madison-Mayodan City Board of Education, and the Reidsville City Board of Education, both real and personal, of every kind and description, shall be vested in the Rockingham County Board of Education as of the effective date of consolidation. The Leaksville Township Board of Education, the Madison-Mayodan City Board of Education and the Reidsville City Board of Education shall transfer title to all school property which it holds to the Rockingham County Board of Education as of the effective (late of consolidation. The said Board 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 Rockingham County Board of Education.

Sec. 12. All claims and demands of every kind which the Boards of Education may have as of the effective date of consolidation shall pass and be transferred to the Rockingham County Board of Education and the Rockingham County Board of Education shall have the same power and authority to enforce said claims and demands as the Boards would have had in the event of their continuing existence. Any obligations or liabilities of the Boards of Education existing as of the effective date of consolidation shall be and become the obligations and liabilities of the Rockingham County Board of Education, and such obligations and liabilities may be enforced against said Rockingham County Board of Education to the same extent that they might have been enforced against the Boards of Education had they continued in existence.

Sec. 13. 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. 14. The preceding Sections of this Act shall become operative only if all of the following conditions are met:

- (1) An election is called and held in Rockingham County on a countywide basis on the question of consolidation and merger under this Act; said election may or may not be held at the same time as the general election.
- (2) A majority of the votes cast in the election favor consolidation under this Act.
- (3) The State Board of Education approves said consolidation.

The provisions of G. S. 115-116 (g) and other provisions of Article 14, Chapter 115 of the General Statutes, dealing with elections and related matters, shall be applicable, insofar as they are not inconsistent with the provisions of this Act. If the aforesaid conditions are met prior to the first day of June of any year, the effective date of consolidation shall be July 1st of that particular year. If the aforesaid conditions are met after the first day of June of any year, the effective date of consolidation shall be July 1st of the next year. In either event, the Board of County Commissioners of Rockingham County shall have authority to levy and collect a tax, not exceeding the amount heretofore authorized by vote of the people in the Leaksville School District and the Reidsville School District for the fiscal year beginning on the effective date of consolidation.

Sec. 15. If an election under this Act fails to carry on the question of consolidation, or if petitions for consolidation are not made under Section 14 (3), or if such petitions are made but are not approved as required under Section 14 (4), and (5), of this Act, another election may be called, for a vote on the question of consolidation under this Act at any time after the expiration of two years following the date of the next preceding election called and held under this Act.

Sec. 16. If an election is held under this Act upon the question of a supplemental tax in either of the two Districts not having a supplemental tax, or on the question of a county-wide supplemental tax, fails to carry, another election may be called for a vote on such proposed supplemental tax at any time after the expiration of two years following the date of the next preceding election called and held under this Act on any supplemental tax allowed by law.

Sec. 17. 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. 18. 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.