

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 729
HOUSE BILL 576

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS
AND NOTES IN BEHALF OF THE HENDERSONVILLE CITY
ADMINISTRATIVE UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY
OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL
AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition, signed by not less than ten per cent (10%) of the qualified voters of the territory embraced within the Hendersonville City Administrative Unit and described in such petition, praying that bonds and/or notes be issued under the provisions of this Act, the Board of County Commissioners of Henderson County shall order a special election to be held in such school district for the purpose of voting upon the question of issuing bonds and/or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, including gymnasiums, agricultural buildings, shops, school cafeterias and other necessary buildings, and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records, which shall be conclusive of all the facts therein found and determined. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, unless the district or unit is coterminous with a city, town or township (in which event the notice shall so state), the maximum amount of bonds and/or notes to be issued, the purpose or purposes for which the bonds and/or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds and/or notes. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty (30) days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books

will be open for registration of the voters and the place or places at which they will be open on Saturday. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots, shall be in substantially the words: "For the issuance of \$ _____ School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof," and "Against the issuance of \$ _____ School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (X) mark. The petition herein provided for shall be filed with the Board of Commissioners of Henderson County and referred to the Board of Elections of Henderson County to determine the sufficiency thereof, and upon a finding by said board that the petition meets the requirements of this Section, the chairman of said board shall file a certificate to that effect with the Chairman of said Board of Commissioners of Henderson County.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Henderson County, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Henderson County as aforesaid and the other filed with the Clerk of the Superior Court of Henderson County. The Board of County Commissioners of Henderson County shall prepare a statement showing the number of votes cast for and against the bonds and/or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Sec. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds and/or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided in the preceding Section.

Sec. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds and/or notes and the levy of such tax, then the Board of Commissioners of Henderson County shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds and/or notes, which bonds and/or notes shall be issued in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district or such unit,

except the Board of County Commissioners of Henderson County may pay from county funds any part of the principal and interest of said bonds and/or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Henderson County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty (30) years after such date. No such installment shall be more than two and one-half (2 1/2) times as great in amount as the smallest prior installment, of the same bond issue. The bonds and/or notes shall bear interest at a rate not exceeding eight per cent (8%) per annum, payable semiannually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the Chairman of the Board of County Commissioners of Henderson County, and the seal of the county shall be affixed to or impressed upon each bond and/or note and attested by the register of deeds or by the clerk of said board; and the interest coupons shall bear the printed lithographed or facsimile signature of such chairman. The delivery of bonds and/or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 5. The Board of County Commissioners of Henderson County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds and/or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds and/or notes.

Sec. 6. In the event the boundary lines of the territory embracing the Hendersonville City Administrative Unit are hereafter changed or altered, this Act shall apply to and within the territory embracing said unit at the time of the filing of the petition and the holding of the election as provided for in this Act. No change or alteration of the boundary lines of said unit shall in any way affect the validity of this Act.

Sec. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds and/or notes, or any provisions of law for the payment of bonds and/or notes issued under such powers, or for the custody of moneys provided for such payment.

Sec. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for

the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and/or notes and endorsements of such approval upon such bonds and/or notes and as to the sale of bonds and/or notes and the disposition of the proceeds, shall be applicable to the bonds and/or notes authorized by this Act. The proceeds shall be paid out only upon order of the Board of Education of the Hendersonville City Administrative Unit.

Sec. 9. This Act shall apply only to Hendersonville City Administrative Unit and Henderson County.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. 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 6th day of June, 1969.