

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 885
HOUSE BILL 1162

AN ACT TO PROVIDE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF WILSON COUNTY, FOR THE CREATION OF AN INTERIM BOARD OF EDUCATION FOR WILSON COUNTY AND THE SUBSEQUENT OF CONSOLIDATION OF THE WILSON CITY SCHOOL ADMINISTRATIVE UNIT, THE ELM CITY SCHOOL ADMINISTRATIVE UNIT AND THE WILSON COUNTY SCHOOL ADMINISTRATIVE UNIT, FOR THE ISSUANCE OF NOT EXCEEDING SIX MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$6,800,000.00) SCHOOL BONDS OF WILSON COUNTY AND OR THE LEVYING OF A COUNTYWIDE SUPPLEMENTAL SCHOOL TAX NOT TO EXCEED FORTY CENTS (\$.40) PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act certain terms are defined as follows:

(a) The term "Wilson City Board" shall mean the Wilson City Board of Education and the term "Elm City Board" shall mean the Elm City Board of Education.

(b) The term "existing County Board" shall mean the existing Wilson County Board of Education.

(c) The term "Wilson County Interim Board of Education" shall mean a separate Board of Education established by this Act for the purpose of supervising, coordinating, contracting for and acquiring all new schools and plant sites to be built in Wilson County from the proceeds of the bonds of Wilson County authorized under this Act.

(b) The term "Wilson City Administrative Unit" shall mean the geographical territory over which the Wilson City Board of Education exercises authority in administering and operating the public schools of said unit.

(e) The term "Elm City Administrative Unit" shall mean the geographical territory over which the Elm City Board of Education exercises authority in administering and operating the public schools of said unit.

(f) The term "County Administrative Unit" shall mean the geographical territory over which the existing Wilson County Board of Education exercises authority in administering and operating the public schools of said unit.

(g) The term "County Commissioners" shall mean the Board of Commissioners of Wilson County.

(h) The term "Wilson County Board of Education" shall mean the single Board hereinafter established by this Act for the purpose of operating and administering

all of the public schools of Wilson County, including those schools now operated and administered by the Wilson City Board of Education, the Elm City Board of Education and the existing Wilson County Board of Education.

Sec. 2. The Wilson City Board of Education, the Elm City Board of Education and existing Wilson County Board of Education, by majority vote of each of the said Boards, may jointly petition the Board of Commissioners of the County of Wilson to call a countywide election as hereinafter provided for the purpose of voting upon: (1) the reorganization and consolidation of the Wilson City School Administrative Unit, the Elm City School Administrative and the County Administrative Unit into one administrative body with one Board of Education as its governing body to commence on 1 July, 1972 to the end that all the public schools of Wilson County shall be administered and operated by one Board; (2) the authorization of not exceeding six million eight hundred thousand dollars (\$6,800,000.00) in school building bonds for the County of Wilson; and (3) the levying of a countywide supplemental school tax not to exceed forty cents (\$.40) per one hundred dollars (\$100.00) assessed valuation.

Upon receipt of such petition it shall be the duty of the Board of Commissioners of Wilson County to call an election to be held no later than 15 November, 1969 for the purpose of submitting to the qualified voters of Wilson County one question in substantially the following form:

For _____

Against _____

The approval of an Order authorizing the issuance of school building bonds not to exceed six million eight hundred thousand dollars (\$6,800,000.00) and the levying of a countywide supplemental school tax not to exceed forty cents (\$.40) per one hundred dollars (\$100.00) assessed valuation and the reorganization and consolidation of the Wilson City Administrative Unit, the Elm City Administrative Unit and the Wilson County Administrative Unit, into one administrative unit within one Board of Education to be known as the Wilson County Board of Education effective 1 July, 1972.

Such election shall be held and conducted in accordance with the applicable provisions of the General Statutes of North Carolina in the same manner as elections are held to determine the question of the issuance of bonds. The form of the ballot shall be determined by the Board of Commissioners of said County.

The Board of Commissioners shall prepare a statement showing the number of votes cast for and against the question and declaring the results of the election which statement shall be signed by a majority of the members of said Board and delivered to the Clerk or Recording Officer who shall record it in the minutes of such Board and file the original in his office and publish it once in a newspaper of general circulation in Wilson County.

If a majority of the qualified voters of Wilson County who shall vote thereon, shall vote in favor of the question, the school building bonds in an amount not to exceed six million eight hundred thousand dollars (\$6,800,000.00) as hereinabove mentioned, shall be issued pursuant to and in compliance with the County Finance Act as Amended,

being Article IX of Chapter 153 of the General Statutes and shall be issued for the purposes therein provided in G.S. 153-77(1).

Sec. 3. (a) In the event the qualified voters of Wilson County, by majority of those voting, shall approve this Act in the special election or referendum as hereinafter provided, then the Interim Board shall be established as a body politic and as such shall assume the authority and responsibility for the supervision, coordination, acquisition, contracting and construction as to all new school buildings to be built in Wilson County from the proceeds of the bonds of Wilson County authorized under this Act. The Interim Board shall meet on the 1st day of December, 1969 for the purpose of organizing. The Interim Board of Education shall elect a Chairman to preside over its meeting. All members of the Interim Board shall be equally entitled to hold any office of the Board. The Interim Board shall exercise all of the powers, authority and duties that are now exercised and performed by City and County Boards of Education as set forth in the General Statutes as they relate to the selection and acquisition of school sites, entering into contracts for the construction of new school buildings and facilities and the purchase of equipment and supplies required for such buildings and facilities.

All powers and authority not specifically given to the Interim Board under this Act are specifically retained by the existing three Boards of Education.

(b) For the purposes of which the Interim Board is hereby established, the Interim Board shall have all statutory powers and authority to prepare and submit to the Board of Commissioners of Wilson County all necessary budgets including supplemental budgets and, at the time required by law, shall prepare and submit to the Board of Commissioners of Wilson County all necessary capital outlay, debt service and current expenses budgets. Also, proper notice shall be given to the County Commissioners to include supplemental taxes to be effective from 1 July, 1972, with all taxes to be levied by the Board of Commissioners for school purposes. The Board of Commissioners may approve or disapprove all budgets in whole or in part and shall levy such taxes as are necessary to provide for the approved budget including the supplemental purposes not exceeding the amount of the tax levy authorized by the vote of the people. The Interim Board shall expend all funds in conformity with the approved budget and, in the event of disagreement between the Interim Board and the Board of Commissioners as to any budget items, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina in Section 115-87 and Section 115-88. The Interim Board is authorized and empowered to employ all necessary personnel to carry out its functions.

In addition, from and after 1 January, 1972, the Interim Board shall have all necessary powers and authority to make contracts, hire personnel, adopt policy and administrative procedures, all as the same may relate to all school matters for the school year 1972-1973 and for subsequent years.

Sec. 4. In the event that the school building bonds, consolidation and the supplemental tax as hereinafter provided for, are voted by the voters of Wilson County, the interim Wilson County Board of Education, consisting of six members, shall be created in addition to the three existing boards, and the said Interim Wilson County Board of Education shall remain in existence until such time as the Wilson County

Board of Education as herein established, shall be fully constituted and the members of the Interim Wilson County Board of Education shall be elected or appointed as follows: The existing Wilson City Board of Education from its membership shall appoint one member to the Interim Board; the existing Wilson County Board of Education from its membership shall appoint one member to the Interim Board; and the existing Elm City Board of Education from its membership shall appoint one member to the Interim Board. The three existing Boards of Education, each Board of Education having one vote, shall by majority vote appoint three members to the Interim Board, two of such members to be duly qualified electors residing within Wilson Township, the geographical area of the Wilson Administrative Unit, and the third member to be a duly qualified elector residing in the geographical area constituting the existing Wilson County Administrative Unit.

Such members of the Interim Board shall serve until 1 July, 1972, the effective date of the merger and consolidation of the three administrative units herein provided for.

As of July 1, 1972, the Interim Board shall be and become the Wilson County Board of Education, at which time the Wilson County Board of Education shall consist of nine (9) members and the members thereof shall be elected or appointed as follows:

Seat No. 1 shall be filled by that member of the Interim Board or his duly qualified successor who shall have originally come from the Elm City Board of Education.

Seat No. 2 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally come from the existing Wilson County Board of Education.

Seat No. 3 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally come from the existing Wilson City Board of Education.

Seat No. 4 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally come from Wilson Township by appointment by majority vote of the three existing Boards of Education.

Seat No. 5 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally come from Wilson Township by appointment by majority vote of the three existing Boards of Education.

Seat No. 6 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally come from the geographical area constituting the Administrative Unit of the Wilson County Board of Education by majority vote of the three existing Boards of Education.

Seat No. 7 shall be filled by a vote of the majority of the members of the Interim Board of Education in June of 1972 from a member of the then existing Wilson City Board of Education.

Seat No. 8 shall be filled by a vote of the majority of the members of the Interim Board in June of 1972 from a member of the then existing Wilson City Board of Education.

Seat No. 9 shall be filled by a vote of the majority of the members of the Interim Board of Education in June of 1972 from a member of the then existing Wilson County Board of Education.

In the event that the Interim Board in June of 1972 fails to fill Seat Nos. 6, 7, 8 or 9 as hereinabove provided, then in that event within thirty (30) days from 1 July, 1972, the Wilson County Board of Education by majority vote, shall fill each vacancy.

All terms of office for each member of the Wilson County Board of Education shall commence on 1 July, 1972, and the term of office for each seat of the said Wilson County Board of Education shall be as follows:

Seat No. 1. The term of office for Seat No. 1 shall expire on the first Monday in December of 1978.

Seat No. 2. The term of office for Seat No. 2 shall expire on the first Monday in December of 1978.

Seat No. 3. The term of office for Seat No. 3 shall expire on the first Monday in December of 1978.

Seat No. 4. The term of office for Seat No. 4 shall expire on the first Monday in December of 1976.

Seat No. 5. The term of office for Seat No. 5 shall expire on the first Monday in December of 1976.

Seat No. 6. The term of office for Seat No. 6 shall expire on the first Monday in December of 1976.

Seat No. 7. The term of office for Seat No. 7 shall expire on the first Monday in December of 1974.

Seat No. 8. The term of office for Seat No. 8 shall expire on the first Monday in December of 1974.

Seat No. 9. The term of office for Seat No. 9 shall expire on the first Monday in December of 1974.

At the time of the general election during the year 1974, there shall be elected three members who, after their qualification, shall fill Seat Nos. 7, 8 and 9. Said members shall be residents of Wilson County and shall be elected by the voters of Wilson County at large in a nonpartisan election. The three candidates receiving the highest number of votes shall be so declared elected for six year terms. The candidate receiving the highest number of votes in the election shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and fill Seat No. 7. The candidate receiving the second highest number of votes in the election shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and fill Seat No. 8. The candidate receiving the third highest number of votes in the election shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and fill Seat No. 9.

At the time of the general election during the year 1976 there shall be elected three members to the Wilson County Board of Education who shall be residents of Wilson County and shall be elected by the voters of Wilson County at large in a nonpartisan election to fill Seat Nos. 4, 5 and 6. The three candidates receiving the highest number of votes shall be so declared elected for six year terms. The candidate

receiving the highest number of votes in the election shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education, and shall fill Seat No. 4. The candidate shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and shall fill Seat No. 5. The candidate receiving the third highest number of votes in the election shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and shall fill Seat No. 6.

At the time of the general election during the year 1978 there shall be elected three members, who after their qualification, shall fill Seat Nos. 1, 2, and 3. Said members shall be residents of Wilson County and shall be elected by the voters of Wilson County at large in a nonpartisan election. The three candidates receiving the highest number of votes shall be so declared elected for six year terms. The candidate receiving the highest number of votes in the election shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and shall fill Seat No. 1. The candidate receiving the second highest number of votes in the election shall be so certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and shall fill Seat No. 2. The candidate receiving the third highest number of votes in the election shall be so certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and shall fill Seat No. 3.

The members of the Wilson County Board of Education elected in the general elections of 1974, 1976 and 1978 shall take office on the first Monday in December of each year and the terms of their office shall date and extend from that time.

All vacancies in the membership of the Wilson County Board of Education by reason of death, resignation or removal from Wilson County, shall be filled by the remaining members of the said Board of Education, the members so elected to be a resident of Wilson County and to fill the seat vacated by death, resignation or removal from the county of his predecessor, and such vacancies to be filled by the remaining members of the Wilson County Board of Education within thirty (30) days after the vacancy occurs.

In the event that any seat on the Wilson County Board of Education is not filled as a result of a general election in any year where the term of office for that seat is to expire, immediately following said election, then in that event, the Wilson County Board of Education shall declare a vacancy on the first Monday of December next following the general election and such vacancy shall be filled in accordance with the preceding paragraphs.

As the term of office for each seat of the Wilson County Board of Education expires from and after 1978, elections in the general elections immediately preceding their expiration dates for each seat, shall be held for the election of successor members of the Wilson County Board of Education to fill the seats so expiring and the election of all members to the Wilson County Board of Education shall be nonpartisan and shall be held in the general elections of the County in even numbered years and shall be held, conducted and supervised by the Board of Elections and except as provided, the general election laws and regulations for the nomination and election of County officers and as

set forth in Chapter 153 of the General Statutes as Amended shall apply and govern as to the holding of said elections. The term of office for each seat on the Wilson County Board of Education shall be for six years.

Sec. 5. The Interim Board of Education shall cease as a body politic on 1 July 1972 when the Wilson County Board of Education shall assume authority and its members take office as herein provided.

Sec. 6. Upon the creation of the Interim Board and until 1 July, 1972, the Wilson City Board of Education, the Elm City Board of Education and the existing Wilson County Board of Education shall continue to exercise all powers and authority with respect to the administration and operation of all existing schools in the administrative unit of each Board of Education, together with all other powers conferred by law except those which are specifically given to the Interim Board for the purpose of supervising, coordinating, contracting for, and acquiring all new school plants and sites to be built in Wilson County from the proceeds of the bonds of Wilson County authorized under this Act, and to contract for and purchase all equipment and supplies for said school plants. Said Interim Board shall also have the powers granted to it under Section 3(b) of this Act, which powers are to be effective as of 1 January, 1972.

Sec. 7. Whenever any vacancy occurs on the Wilson City Board of Education, the Elm City Board of Education, and the existing Wilson County Board of Education prior to 1 July 1972, such vacancy shall be filled in the manner now provided by law.

Sec. 8. As of 1 July 1972, when the Wilson County Board of Education shall assume all the authority of administering and operating all schools in Wilson County as provided in this Act, all authority and power of the Wilson City Board of Education, the Elm City Board of Education, the existing Wilson County Board of Education, and the Interim Wilson County Board of Education shall cease and terminate and the same shall be vested in the Wilson County Board of Education and the resulting Wilson County Board of Education shall control, administer and operate all the schools in Wilson County, including all public schools now located in the Wilson City Administrative Unit, the Elm City Administrative Unit, and the schools now located in the Wilson County Administrative Unit.

Sec. 9. In the event the qualified voters of Wilson County by a majority of those voting shall approve this Act in a special election or referendum as hereinafter provided, the Wilson County Board of Education from 1 July 1972 shall immediately meet and assume authority and shall control, operate, and administer all public schools of Wilson County and shall meet no later than the first Monday following 1 July 1972 for the purpose of organization and the election of superintendents, associate superintendents, and assistant superintendents as provided by law.

Sec. 10. The financial administration of the Wilson County Board of Education shall be governed by the provisions of the General Statutes of North Carolina as they apply to the financial administration of County School Administrative Units, except that the Interim Board of Education shall have specific authority between 1 January, 1972 and 1 July, 1972 to prepare and submit to the Board of County Commissioners all necessary budgets, including supplemental budgets and at the time

required by law, to prepare and submit to the Board of Commissioners all the necessary capital outlay, debt service, current expense budget, including proper notice to the Board of Commissioners to include in the supplemental tax with all other taxes to be levied by the Board of Commissioners for school purposes, all for and in behalf of the Wilson County Board of Education, notwithstanding the creation of the Wilson County Board of Education until 1 July, 1972.

Sec. 11. As of 1 July, 1972 the title to all property of the Wilson City Board of Education, the Elm City Board of Education and the existing Wilson County Board of Education and the Wilson County Interim Board of Education, both real and personal property, of every kind and description, shall be vested in the Wilson County Board of Education. The Wilson City Board of Education, the Elm City Board of Education, the existing Wilson County Board of Education and the Wilson County Interim Board of Education, shall have full and ample authority between 15 June, 1972 and 1 July, 1972 to execute all such deeds and other instruments of conveyance as may be deemed necessary to vest record title to any such property in the Wilson County Board of Education as of 1 July, 1972. All claims and demands of every kind which the Wilson City Board of Education, the Elm City Board of Education, the existing Wilson County Board of Education and the Wilson County Interim Board of Education may have as of such date, to-wit, 1 July, 1972, shall pass and be transferred to the Wilson County Board of Education and the said Board of Education shall have the same powers and authority to enforce said claims and demands as the Wilson City Board of Education, the Elm City Board of Education, the existing Wilson County Board of Education and the Wilson County Interim Board of Education would have had in the event of their continued existence. Any obligations and liabilities of the Wilson City Board of Education, the Elm City Board of Education and existing Wilson County Board of Education and the Wilson County Interim Board of Education existing as of 1 July, 1972 shall be and become the obligation and liabilities of the Wilson County Board of Education as of 1 July, 1972 and such obligations and liabilities may be enforced against said Wilson County Board of Education thereafter to the same extent that they might have been enforced against the Wilson City Board of Education, the Elm City Board of Education, the existing Wilson County Board of Education and the Wilson County Interim Board of Education had they continued in existence.

As of 1 July, 1972 the Wilson County Board of Education shall have all power and authority as a Board of Education that are herein conferred and as are conferred by the General Statutes of North Carolina on Boards of Education in general.

Sec. 12. All supplemental tax levies now authorized for the benefit of the Wilson City Administrative Unit and the Elm City Administrative Unit shall continue in full force and effect until 1 July, 1972. Effective as of 1 July, 1972, the Board of Commissioners of Wilson County are authorized to levy a countywide supplemental school tax not to exceed forty cents (\$.40) per one hundred dollars (\$100.00) assessed valuation.

Sec. 13. If less than a majority of the qualified voters of Wilson County who shall vote at the election herein provided for, for the question to be presented in the

Referendum in the fall of 1969, then in that event, all of the provisions of this Act shall become null and void.

Sec. 14. (a) The purpose of this Act is to provide an enabling Statute, in addition to the other Statutes which may be available for such purposes, for the merger of the Wilson City Administrative Unit, the Elm City Administrative Unit and the Wilson County Administrative Unit.

(b) 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 19th day of June, 1969.