

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 321
HOUSE BILL 877

AN ACT TO PROVIDE FOR THE CREATION OF INTERIM BOARD OF
EDUCATION FOR WILSON COUNTY AND SUBSEQUENT
CONSOLIDATION OF THE ELM CITY SCHOOLS ADMINISTRATIVE UNIT
AND THE WILSON COUNTY SCHOOLS ADMINISTRATIVE UNIT.

The General Assembly of North Carolina enacts:

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

(a) 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 the administrative unit affected by this act.

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

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

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

(g) The term "Wilson County Board of Education" shall mean the single Board of Education hereinafter established by this act for the purpose of operating and administering all of the public schools now operated and administered by the Elm City Board of Education and the existing Wilson County Board of Education.

Sec. 2. The Elm City Board of Education and the existing Wilson County Board of Education by majority vote of each may mutually agree on a Plan of Consolidation and Merger and shall petition for approval of the same by the County Commissioners of Wilson County, all pursuant to the provisions of G.S. 115-74.1 of the General Statutes of North Carolina.

Sec. 3. Upon approval of the County Commissioners of Wilson County as provided for in said Plan of Merger and as provided for herein and as provided for in G.S. 115-74.1 of the General Statutes of North Carolina, said Plan of Consolidation and Merger of the Elm City administrative unit and the existing Wilson County Board of

Education shall be effective as of July 1, 1974, and within 30 days after said approval of said Plan of Consolidation and Merger by the State Board of Education as provided for in G.S. 115-74.1 the Interim Board as hereinafter provided for shall be established as a body politic and as such shall assume the authority and responsibility for the supervision, coordinating, acquisition, contracting and construction as to all new school buildings to be built within the territorial limits of the resulting Board of Education and the said Interim Board shall meet within 30 days after its establishment for the purpose of organizing. The Interim Board of Education shall elect a Chairman to preside over its meetings and all members of the Interim Board shall be equally entitled to hold any office of the Board. The Interim Board shall exercise all powers and authorities and duties that are now exercised and performed by the 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 for the purpose of obtaining equipment and supplies required for such building facilities.

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

For the purpose for 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 expense budget. The Interim Board shall expend all funds in conformity with approved budgets.

In addition, from and after the first day of January 1974 the Interim Board shall have all necessary powers and authority to make contracts, hire personnel and adopt policies and administrative procedures, all as the same may relate to all school matters for the school year 1974-1975 and for subsequent years.

Sec. 4. In the event this Plan of Merger and Consolidation is approved as herein provided for, the Interim Board of Education consisting of seven members shall be created in addition to the two 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 County Board of Education from its membership shall appoint five members and the existing Elm City Board of Education from its membership shall appoint two members to the Interim Board to the seats set forth below, all such members to reside within the administrative units appointing said members except for Dr. Badie T. Clark, a current member of the Wilson County Board of Education who resides in the City of Wilson, but this exception shall not apply to his successor.

Such members of the Interim Board shall serve until July 1, 1974, the effective date of the merger and consolidation of the two administrative units herein provided for.

As of July 1, 1974, 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 seven 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 been appointed by the Wilson County 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 Elm 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 the existing Wilson County Board 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 the existing Elm City Board 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 existing Wilson County Board of Education.

Seat No. 7 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.

All terms of office for each member of the Wilson County Board of Education shall commence on July 1, 1974, and the term of office for each seat of said Wilson County Board of Education shall be as follows:

The term of office for Seat No. 1 shall expire on the second Monday in January of 1975.

The term of office for Seat No. 2 shall expire on the second Monday in January of 1975.

The term of office for Seat No. 3 shall expire on the second Monday in January of 1977.

The term of office for Seat No. 4 shall expire on the second Monday in January of 1977.

The term of office for Seat No. 5 shall expire on the second Monday in January of 1979.

The term of office for Seat No. 6 shall expire on the second Monday in January of 1979.

The term of office for Seat No. 7 shall expire on the second Monday in January of 1979.

At the time of the general election during the year 1974, there shall be elected two members, who after their qualifications, shall fill Seats No. 1 and 2. Said members shall be residents of Wilson County but shall not reside within the territorial limits of

the Wilson City Board of Education administrative unit and shall be elected by the voters of Wilson County at large save and except, however, those voters who reside within the administrative unit of the Wilson City Board of Education, all in a nonpartisan election.

The two candidates receiving the highest number of votes shall be so declared elected for a six-year term. 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 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.

At the time of the general election during the year 1976, there shall be elected two members of the Wilson County Board of Education who shall be residents of Wilson County but shall not reside within the territorial limits of the Wilson City Board of Education administrative unit and shall be elected by the voters of Wilson County at large, save and except, however, those voters who reside within the administrative unit of the Wilson City Board of Education, all in a nonpartisan election.

The two candidates receiving the highest number of votes shall be so declared elected for a six-year term. 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. 3. 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 shall fill Seat No. 4.

At the time of the general election during the year 1978, there shall be elected three members of the Wilson County Board of Education, who after their qualifications, shall fill Seats No. 5, 6 and 7. Said members shall be residents of Wilson County but shall not reside within the territorial limits of the Wilson City Board of Education administrative unit and shall be elected by the voters of Wilson County at large, save and except, however, those voters who reside within the administrative city unit of the Wilson Board of Education, all 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. 5. 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. 6. 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. 7.

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

All vacancies in membership of the Wilson County Board of Education or in membership of the Interim Board of Education by reason of death, resignation or removal from Wilson County or otherwise shall be filled by the remaining members of the said Board of Education. The member so elected must be a resident of Wilson County and must reside within the administrative unit of the Wilson County Board of Education to fill the seat vacated by death, resignation or removal or otherwise of his predecessor and such vacancies to be filled by the remaining members of the Wilson County Board of Education within sixty (60) 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 said seat is to expire immediately following said election, the Wilson County Board of Education shall declare a vacancy on the second day of January next following the general election and such vacancy shall be filled in accordance with the preceding paragraph.

As the term of office for each seat of the Wilson County Board of Education expires from and after 1978, elections in the general election immediately preceding the 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 of the Wilson County Board of Education shall be nonpartisan and said candidates for membership on the Wilson County Board of Education shall be residents of Wilson County but shall not reside within the territorial limits of the Wilson City Board of Education administrative unit and shall be elected by the voters of Wilson County at large, save and except, however, those voters who reside within the administrative unit of the Wilson City Board of Education; and all such elections 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 herein provided, the general election laws and regulations for the nomination and elections of County officers as set forth in Chapter 153 of the General Statutes of North Carolina as amended shall apply and govern as to the holding of said elections. The term of office for each seat of the Wilson County Board of Education shall be for six years and the seat designation for members elected shall be the same as that provided for in the preceding paragraphs of this section.

Sec. 5. The Interim Board of Education shall cease as a body politic on July 1, 1974, when the Wilson County Board of Education shall assume authority and its members shall take office as herein provided.

Sec. 6. Upon the creation of the Interim Board and until July 1, 1974, 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 respective 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.

The financial administration of existing Wilson County Board of Education and the Elm City Board of Education until otherwise terminated herein shall be governed by the provisions of the General Statutes of North Carolina except that the Interim Board of Education shall have specific authority between January 1, 1974, and July 1, 1974, 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 and current expense budget 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 July 1, 1974.

Sec. 7. When any vacancy occurs on the Elm City Board of Education and the existing Wilson County Board of Education prior to July 1, 1974, such vacancy shall be filled in the manner now provided by law.

Sec. 8. As of July 1, 1974, when the Wilson County Board of Education shall assume all of the authority of administering and operating all schools in the existing Wilson County administrative unit and the Elm City administrative unit, all authority and power of the Elm City Board of Education and 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 formerly administered by the Elm City administrative unit and the Wilson County administrative unit.

Sec. 9. Upon approval of the Plan of Consolidation and Merger as herein provided for as of July 1, 1974, the title to all property of the Wilson County Board of Education and the Elm City Board of Education and the Wilson County Interim Board of Education, both real and personal of every kind and description shall be vested in the Wilson County Board of Education; and the Elm City Board of Education and the existing Wilson County Board of Education shall have full and ample authority between June 15, 1974, and July 1, 1974, to execute all deeds and other instruments of conveyance as may be deemed necessary to vest record title to any such property heretofore held by them in and to the Wilson County Board of Education as of July 1, 1974. All claims and demands of every kind which the Elm City Board of Education and the existing Wilson County Board of Education and the Wilson County Interim Board of Education may have as of such date, to wit, July 1, 1974, shall pass and be transferred to the Wilson County Board of Education, and said Board of Education shall have the same powers and authority to enforce said claims and demands as the existing Wilson County Board of Education and the Elm City Board of Education would have had in the event of their continued existence. Any obligations and liabilities of the Elm City Board of Education and the existing Wilson County Board of Education existing as of July 1, 1974, shall be and become the obligations and liabilities of the Wilson County Board of Education as of July 1, 1974, and such obligations and liabilities may be enforced against the said Wilson County Board of Education thereafter to the same extent that they might have been enforced against the existing Boards had they continued in existence.

As of July 1, 1974, the Wilson County Board of Education shall have all power and authority as a Board of Education as herein conferred and as are conferred by the General Statutes of North Carolina on Boards of Education in general.

Sec. 10. A condition of the merger and consolidation of the existing Wilson County Board of Education with the Elm City Board of Education shall be upon approval of a Plan of Merger and Consolidation entered into and agreed upon by a majority of the Elm City Board of Education and the existing Wilson County Board of Education, which Plan shall be then submitted to the Board of County Commissioners of Wilson County for its concurrence and approval, and approved by the State Board of Education all as provided in G.S. 115-74.1.

Sec. 11. Upon approval of a Plan of Consolidation and Merger as herein provided for and upon the establishment of the Interim Board of Education as herein provided for, then and in that event, all existing laws providing for the election and reelection of members to the existing Wilson County Board of Education and to the Elm City Board of Education shall be suspended, the same as if repealed, and the terms of office of members of the existing Boards of Education shall continue until the termination of each respective Board of Education hereunder and the election procedures for membership to the Interim Board and the resulting Wilson County Board of Education to be established as of July 1, 1974, hereunder shall control.

Sec. 12. (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 Elm City administrative unit and the existing 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 4th day of May, 1973.