

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 498
SENATE BILL 509

AN ACT TO PROVIDE FOR THE ELECTION, TERMS, COMPENSATION AND
ADDITIONAL POWERS OF THE LUMBERTON CITY BOARD OF
EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. The Board of Education of the Lumberton City School Administrative Unit shall consist of seven members. The term of office of the present members of the Board of Education shall expire as follows: Mrs. Zelma Locklear, term to expire, December 31, 1975; Mr. Al Kahn, term to expire, December 31, 1975; Mr. E. A. Sundy, term to expire, December 31, 1975; Dr. W. M. Lewis, term to expire, December 31, 1977; Mrs. Ethel T. Hayswood, term to expire, December 31, 1977; Mr. Knox M. Barnes, term to expire, December 31, 1977; Mr. Ingram P. Hedgpeth, term to expire, December 31, 1977;

Sec. 2. At the regular municipal election to be held in the City of Lumberton on the first Tuesday after the first Monday in November 1975, and biennially thereafter, there shall be elected to the Board of Education of the Lumberton City School Administrative Unit the number of members necessary to take the place of the members of such Board whose terms next expire. All members elected in 1975, and biennially thereafter, shall serve for a term of four years and until their successors are elected and qualified.

Sec. 3. Any qualified voter may file as a candidate for the Board of Education of the Lumberton City School Administrative Unit by filing a notice of candidacy in the same manner as presently provided for other City officials. All candidates shall be voted upon by all of the qualified voters of the City of Lumberton School Administrative Unit.

Sec. 4. The election shall be held by the same officials and shall be conducted, insofar as practicable, in accordance with the provisions of law, rules and regulations relating to municipal elections in the City of Lumberton.

Sec. 5. If an elected School Board member shall fail or refuse to qualify, or if there is any vacancy in the office of School Board members after election and qualification, or if any School Board member be unable to discharge the duties of his office for any reason, the remaining members of the School Board shall elect some person to serve the unexpired term, or during his disability, as the case may be. School Board members so elected shall have all authority and powers granted to regularly elected members.

Sec. 6. Before entering upon their offices, the members of the Board shall severally take an oath before the Clerk of the Superior Court of Robeson County, State of North Carolina, to perform faithfully the duties of their respective offices.

Sec. 7. Those persons elected and qualified to serve on the Lumberton City Board of Education shall assume office on the first day of January, following their election.

Sec. 8. The members of the Board of Education of the Lumberton City School Administrative Unit shall at the first meeting elect one of their members to serve as Chairman and one member to serve as Vice-Chairman for a term not exceeding two years and said Chairman and Vice-Chairman shall serve until their successors are elected. The Board of Education shall determine its own rules and orders of business, time of meetings, and shall keep minutes of all meetings and proceedings.

Sec. 9. The Board of Education of the Lumberton City School Administrative Unit shall have authority to authorize and pay reasonable expenses of the members of the Board, administrative officers, principals, teachers or other members employed for travel in the furtherance of the business and affairs of the schools or for the purpose of promoting the best interest of the schools. Upon the enactment of this bill the members of the Board of the Lumberton City School Administrative Unit shall fix their own compensation for their services as members of the Lumberton City School Administrative Unit.

Sec. 10. The Board of Education of the Lumberton City School Administrative Unit shall have the same powers and authority as is conveyed upon school boards by Chapter 115 of the General Statutes of North Carolina.

Sec. 11. The Board of Education of the Lumberton City School Administrative Unit shall have, in addition to all other powers possessed by it by virtue of any general or special act, the following powers:

1. The Board may convey any of its real property, or any interest therein, for street and sidewalk purposes, or for a public thoroughfare to the State of North Carolina or any subdivision or agency thereof, and it may grant an easement in any such real property for water or sewer lines, public utility lines, conduits or pipes of any kind, either above, below or on the ground, or for any other purposes that said Board shall deem advisable, if, in the Board's opinion, such easement will not interfere with the proper use for school purposes of the property in which such easement is granted.

2. The Board may grant a license for the temporary use of any real or personal property of the said Board for any purpose that the Board may deem advisable, if in the opinion of the Board such license will not interfere with the proper use for school purposes.

3. The Board may make any conveyance, easement or license authorized above, with or without consideration therefor, as the board may deem advisable, and without compliance with any other law relating to the sale or conveyance of school property.

4. The Board may sell any real property, title to which is vested in the said Board, which, in the opinion of the Board, is not needed for school purposes. Said sale shall be made as provided in G.S. 115-126.

The net proceeds of the sale of any real property of said Board may be applied, at the discretion of the Board, to the purchase of any real or personal property for capital improvements, or to the school bonded indebtedness for the School Administrative Unit.

5. The Board may sell, at private sale, any personal property which in the opinion of said Board does not exceed one thousand dollars (\$1,000). Advertisement of such sale shall not be necessary. The sale shall not be subject to upset bid, and such sale shall be final. The sale of any personal property, which in the opinion of the Board exceeds one thousand dollars (\$1,000), shall be made as provided by G.S. 115-126.

The proceeds of any sale of personal property, as authorized herein, may be applied to any purpose the Board may direct or authorize.

6. Any personal property, title to which is vested in the Board, may be exchanged for other personal property or be exchanged as part of the purchase price of other personal property by direction or authorization of the Board.

7. When any contract shall have been awarded for any construction or repair work pursuant to and in accordance with the provisions of G.S. 143-129, and, after the work has begun, the Board shall find it necessary or desirable and to the best interest of the schools to make any minor change or changes in the original plans or specifications for such work entailing an expenditure that would result in an increase of the original contract price for the work, it shall have authority to contract with the original contractor for the performance of the work occasioned by such change or changes in the plans or specifications; provided, however, the total expenditures for such extra work shall not exceed ten percent (10%) of the original contract price, nor may such extra work vary so substantially from the original plans or specifications as to constitute in fact a new undertaking.

8. Whenever the Board shall be unable to obtain a suitable site for a school, school building, or other school facility by gift or purchase, it may acquire title to not more than 50 acres for such purposes in the manner prescribed by G.S. 115-125. In like manner, the Board may acquire title to or an easement in such land as may be necessary for street purposes to afford a means of ingress and egress as between any site or sites for schools or school facilities and any established and main traveled street, road or thoroughfare, or any established or dedicated street, road or thoroughfare connecting with any main traveled thoroughfare.

The fact that the land to be so acquired for a suitable site may lie adjacent to an existing public school site shall not be deemed an addition to said existing site if the purpose of its acquisition is to construct or erect an independent school, school building, or school facility, separate and apart from the school and school facility located on the previously existing site.

The Board may acquire title to or an easement in land for street purposes, as herein provided, for more than one means of ingress and egress, but not more than three such means, which shall be of a width necessary to comply with all State laws, rules and regulations of the State Highway Commission with respect to the required width of public streets or roads, but not in excess thereof.

9. Whenever it shall become necessary for the Board to proceed, as provided in G.S. 115-125, the Clerk of the Superior Court of Robeson County shall be authorized and empowered to charge, as a part of the costs, a reasonable compensation for the appraisers appointed by the Court to assess the value of the land or easement therein so acquired, to be paid by the Board and not by the other parties to the proceedings except in case of an appeal from the Clerk of the Superior Court.

Sec. 12. The term "school facility", as used herein, shall be deemed to include any of the following: school buildings, together with accessory buildings, playgrounds, athletic fields, parking facilities, warehouses for storing school supplies, garages and shops for use in storing and maintaining school equipment and vehicles, right-of-way easements, property for the location of septic tanks, sewage lines, filter beds and effluent lines.

Sec. 13. Chapter 211 of the 1965 Session Laws is hereby repealed.

Sec. 14. This act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1973.