

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 876
HOUSE BILL 1471

AN ACT TO REORGANIZE AND CONSOLIDATE THE LINCOLNTON CITY BOARD OF EDUCATION AND THE LINCOLN COUNTY BOARD OF EDUCATION AND TO CREATE AND ESTABLISH ONE ADMINISTRATIVE BOARD FOR ALL OF THE PUBLIC SCHOOLS IN LINCOLN COUNTY.

The General Assembly of North Carolina enacts:

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

(a) The term "City Board" shall mean the Lincolnton City Board of Education.

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

(c) The term "Interim Board" shall mean the members of the Lincolnton City Board of Education and the existing Lincoln County Board of Education acting jointly and together for the administration of all of the public schools within Lincoln County as provided for in this act.

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

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

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

(g) The term "Lincoln 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 Lincoln County, including those schools now operated and administered by the City Board and now operated and administered by the County Board.

Sec. 2. Upon the ratification of this act, 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 county commissioners all necessary budgets including supplemental budgets and at the time required by law shall prepare and submit to the county commissioners all necessary capital outlay, debt service and current expense budgets; and to pass the necessary resolutions to bring about an orderly merger of the City Administrative Unit and the County Administrative Unit.

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

The Interim Board shall consist of members of the City Board and County Board acting jointly and by a majority vote of all members present, and the members of said Interim Board shall elect their own chairman and vice-chairman to preside at meetings, and the chairman and vice-chairman shall have a vote on all matters considered by the Interim Board but the presiding officer shall have no authority to vote to create a tie and then again vote to break the tie.

On the first Monday subsequent to the ratification of this act, the Interim Board shall hold its first meeting at which time it shall elect a chairman and vice-chairman.

Sec. 3. The newly constituted and established Lincoln County Board of Education shall consist of seven members, and each of said members shall be residents and qualified voters of the townships according to the membership allocations hereinafter made to said townships as follows:

North Brook Township, Howard's Creek Township, that area of Lincoln Township presently outside the present city limits of Lincoln, that area of Lincoln Township presently inside the city limits of Lincoln, Ironton Township, and Catawba Springs Township shall each be entitled to one member on the Lincoln County Board of Education.

One member shall be elected from the county at large, without regard to township.

Sec. 4. The Lincoln County Board of Education shall on the first day of July, 1974, assume the authority and shall control, operate and administer public schools of Lincoln County, including those public schools located and situated in the City Administrative Unit. The membership and terms of office of the Lincoln County Board of Education shall be as follows: Gene Baxter, North Brook Township; Virginia Sullivan, Ironton Township; Henry Collins, Lincoln Township inside the city limits of Lincoln; and Elliott Beal, member at large, shall serve until the first Monday in December, 1976, or until their successors are elected and qualified as provided for in this act. Gene Gates, Lincoln Township outside the city limits of Lincoln; Jack Yoder, Howard's Creek Township; and Katie Cooper, Catawba Springs Township, shall serve until the first Monday in December, 1978, or until their successors are elected and qualified as provided for in this act.

On July 8, 1974, the Lincoln County Board of Education shall hold its initial meeting. At said meeting, Norris S. Childers shall be elected to serve as the Superintendent of the Lincoln County Board of Education, and Lester Propst, Jr., shall be elected to serve as the Associate Superintendent, and each appointment shall be for four years, effective July 1, 1974. Thereafter, the Superintendent and Associate Superintendent shall be elected by the Lincoln County Board of Education for a term not to exceed four years. The salaries paid the Superintendent and Associate Superintendent shall not be less than the salaries formerly paid to those respective individuals immediately prior to the merger of the County Administrative Unit and the City Administrative Unit.

The Lincoln County Board of Education, acting jointly and by a majority vote of all members present, shall elect a chairman and vice-chairman to preside at meetings, and the chairman and vice-chairman shall have a vote on all matters considered by the Lincoln County Board of Education but the presiding officer shall have no authority to vote to create a tie and then again vote to break the tie. All vacancies occurring in the membership of the Lincoln County Board of Education by reason of death, resignation, removal of residence, or for any cause whatsoever, shall be filled by the remaining members of said Board by appointing a member from the township creating the vacancy for the unexpired term. The Lincoln 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.

Effective July 1, 1974, all claims and demands of every kind which the City Administrative Unit and the County Administrative Unit may have shall pass and be transferred to the Lincoln County Board of Education, and said Board of Education shall have the same powers and authority to enforce said claims and demands as the City Administrative Unit and the County Administrative Unit would have had in the event of their continued existence. Any obligations and liabilities of the City Administrative Unit and the County Administrative Unit existing as of July 1, 1974, shall be and become the obligations and liabilities of the Lincoln County Board of Education as of July 1, 1974, and such obligations and liabilities may be enforced against the said Lincoln County Board of Education thereafter to the same extent that they might have been enforced against the existing boards had they continued in existence.

Sec. 5. At the time of the primary and election of State and county officers for the year 1976, there shall be nominated and elected four members of the Lincoln County Board of Education, one each from North Brook Township, Ironton Township, Lincolnton Township inside the city limits of Lincolnton and at large.

At the time of the primary and election of State and county officers for the year 1978, there shall be nominated and elected three members of the Lincoln County Board of Education, one each from the Lincolnton Township outside the city limits of Lincolnton, Howard's Creek Township and Catawba Springs Township. Candidates seeking nomination for election from the townships or districts established by Section 3 of this act shall be nominated by the voters of the township or district, and candidates seeking nomination for the at-large seat shall be nominated by the voters of Lincoln County at large. All candidates shall be elected by the voters of Lincoln County at large. Each candidate for nomination for membership on the Lincoln County Board of Education shall file a notice of candidacy with the Board of Elections showing the township of which said candidate is a resident, and also showing the candidate's party affiliation. All candidates for nomination from the various townships and at large, shall file such notice of candidacy by noon on or before the sixth Saturday before the date on which the primary is to be held and shall pay a filing fee of ten dollars (\$10.00). The nomination and election of said members of the Lincoln County Board of Education 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 election of

county officers, as set forth in Chapter 163 of the General Statutes, as amended, shall apply and govern as to the holding of said primary and election.

Each person elected to the Lincoln County Board of Education shall serve for a term of four years. Biennially thereafter, at each primary and election for the nomination and election of State and county officers, the vacancies occurring in the membership of the Lincoln County Board of Education shall be filled by nomination and election as the said terms of the members expire, and all such members so elected shall hold office for terms of four years. The members of the Lincoln County Board of Education nominated and elected shall take office on the first Monday in December following their election, and the terms of their office shall date and extend from that time.

If a person elected to the Lincoln County Board of Education from a township or district ceases to reside in that township or district during the term of office to which he was elected, for any reason other than a redefinition of district boundaries occurring during the term of office, the Lincoln County Board of Education may by majority vote declare a vacancy and proceed to fill the vacancy in the manner provided in Chapter 115 of the General Statutes of North Carolina.

Sec. 6. As of July 1, 1974, when the Lincoln County Board of Education shall assume all of the authority of administering and operating all schools in the existing City Administrative Unit and County Administrative Unit, all authority and power of the Interim Board, the City Board and the County Board shall cease and terminate and the same shall be vested in the Lincoln County Board of Education which shall control, administer, and operate all of the public schools located in Lincoln County.

Sec. 7. All laws and clauses of laws in conflict with this act are repealed.

Sec. 8. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1974.