

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 921
HOUSE BILL 1730

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

The General Assembly of North Carolina enacts:

Section 1. As used in this act certain terms are used 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 planning, supervising, coordinating, contracting for and acquiring all new schools and plant sites to be built in Wilson County during the period of existence of the Wilson County Interim Board as hereinafter defined and for the purpose of performing all other acts and duties assigned to said Board under this act.

(d) 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 of Education hereinafter established by this act for the purpose of operating and administering all 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 the existing Wilson County Board of Education, by majority vote of each

of the said Boards, may mutually agree upon a Plan of Consolidation and Merger and may 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 and of the State Board of Education of any Plan of Merger as provided for herein and as provided for in G. S. 115-74.1 of the General Statutes of North Carolina and after satisfying all other conditions of any Plan of Merger so approved, said Plan of Consolidation and Merger of the Elm City administrative unit, the Wilson City administrative unit and the existing Wilson County administrative unit shall be effective as of July 1, 1976; and within 30 days after said approval and after all the conditions of any Plan of Merger and Consolidation are met, the Interim Board of Education as hereinafter provided for, shall be established as a body politic and as such shall assume the authority and responsibility of the planning, 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 with 30 days after its establishment for the purpose of organizing.

The Interim Board shall elect a Chairman to preside over its meetings and a Secretary and all members of the Interim Board shall be equally entitled to hold any office of the Board and all members of the Board shall have the right to vote on all matters coming before it. The Interim Board will also have the authority to employ such personnel and consultants as it deems necessary to carry out its duties and responsibilities. The Interim Board shall exercise all the powers and authority and duties that are now exercised and performed by the Elm City Board of Education, the Wilson City Board of Education and the existing Wilson County Board of Education as set forth in the General Statutes as they relate to the planning, selection and acquisition of school sites, entering into contracts for the construction of new school buildings and facilities and for the purpose of modernizing and renovating existing school buildings and for the purpose of obtaining equipment and supplies required for any facilities to be operated by the resulting Board of Education.

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

For the purpose for which the Interim Board is hereby established, the Interim Board shall have all statutory powers given to Boards of Education in general with the 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 budgets. The Interim Board shall expend all funds in conformity with approved budgets.

In addition, the Interim Board shall have all the necessary powers and authority to make contracts, hire personnel and adopt policies and administrative procedures, all as the same may relate to all matters for the school year 1976-1977 and for subsequent school years.

Sec. 4. In the event that a Plan of Merger and Consolidation is approved as provided for herein, the Interim Board of Education consisting of 10 members shall be created in addition to the three existing Boards of Education and the said Interim 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 Board of Education shall be appointed as follows: The seats on the Interim Board shall be numbered 1 through 10.

The Wilson City Board of Education from its membership shall appoint five members to fill seats 3, 4, 5, 9, and 10.

The Elm City Board of Education from its membership shall appoint two members to fill seats 1 and 7.

The existing County Board of Education from its membership shall appoint three members to fill seats 2, 6 and 8.

Such members of the Interim Board shall serve until July 1, 1976, the effective date of the merger and consolidation of the three administrative units herein provided for.

As of July 1, 1976, 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 10 members (until 1978 as hereinafter provided) and the members thereof shall be 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 to that seat by 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 been appointed to that seat by the existing 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 been appointed to that seat by the 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 been appointed to that seat by the Wilson City 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 been appointed to that seat by the Wilson 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 been appointed to that seat by 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 been appointed to that seat by the existing Elm City Board of Education.

Seat No. 8 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally been appointed to that seat by the existing County Board of Education.

Seat No. 9 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally been appointed to that seat by the Wilson City Board of Education.

Seat No. 10 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally been appointed to that seat by the Wilson City Board of Education.

All terms of office for each member of the resulting Wilson County Board of Education shall commence on July 1, 1976, 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 1983.

The term of office for Seat No. 2 shall expire on the second Monday in January of 1983.

The term of office for Seat No. 3 shall expire on the second Monday in January of 1983.

The term of office for Seat No. 4 shall expire on the second Monday in January of 1981.

The term of office for Seat No. 5 shall expire on the second Monday in January of 1981.

The term of office for Seat No. 6 shall expire on the second Monday in January of 1981.

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

The term of office for Seat No. 8 shall expire on the second Monday in January of 1979.

The term of office for Seat No. 9 shall expire on the second Monday in January of 1979.

The term of office for Seat No. 10 shall expire on the second Monday in January of 1979.

At the time of the general election during the year 1978 there shall be elected three members to the Wilson County Board of Education, who after their qualifications, shall fill Seats 7, 8 and 9. Said members shall be residents of Wilson County and shall be elected by the voters of Wilson County at large.

The three 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. 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 shall 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 shall fill Seat No. 9.

When the term of office for the member holding Seat No. 10 expires as provided for above, Seat No. 10 on the Wilson County Board of Education shall be abolished and the membership of said Board of Education shall be reduced to nine.

At the time of the general election during the year 1980, there shall be elected three members to the Wilson County of Education who after their qualification shall fill Seats 4, 5 and 6. Said members shall be residents of Wilson County and shall be elected by the voters of Wilson County at large.

The three 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. 4. 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. 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 in the year 1982, there shall be elected three members to the Wilson County Board of Education who, after their qualification, shall fill Seats 1, 2 and 3. Said members shall be residents of Wilson County and shall be elected by the voters of Wilson County at large.

The three 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 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 1978, 1980 and 1982 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 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 shall fill the seat vacated by his predecessor for the remainder of the unexpired term.

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 when 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 1979 (except for Seat No. 10), 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 and shall be elected by the voters of Wilson County at large; 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, 1976, when the Wilson County Board of Education shall assume authority and its members shall take office as herein provided.

Sec. 6. If a vacancy occurs on the Interim Board of Education by reason of death, resignation, removal from office or otherwise, then in that event, the existing Board of Education who originally appointed the member to said seat shall appoint from its membership a successor to fill the vacant seat on the said Interim Board of Education; provided, however, that such successor must be a resident of Wilson County.

Sec. 7. Upon the creation of the Interim Board and until July 1, 1976, the Elm City Board of Education and the Wilson City Board of Education and the existing 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 the powers conferred by law except those which are specifically given to the Interim Board of Education hereunder.

The financial administration of the Wilson City Board of Education, the Elm City Board of Education and the existing County 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, 1976 and July 1, 1976 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 County Commissioners all the necessary capital outlay, debt service and current expense budgets 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, 1976.

Sec. 8. When any vacancy occurs on the Elm City Board of Education, The Wilson City Board of Education and the existing County Board of Education prior to July 1, 1976, such vacancy shall be filled in the manner now provided by law.

If the Interim Board of Education is created as herein provided for, then in that event, all members of the Elm City Board of Education, the Wilson City Board of Education and the existing County Board of Education whose terms would ordinarily expire in 1976 shall remain members of said Board of Education until July 1, 1976, and upon the creation of the Interim Board of Education as herein provided for, all public elections for membership to the three existing Boards of Education, to-wit, the Elm City Board of Education, the Wilson City Board of Education and the existing County Board of Education shall be suspended during the year 1976.

Sec. 9. As of July 1, 1976, 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, the Elm City administrative unit, and the Wilson City administrative unit, all authority and power of the Elm City Board of Education, the Wilson City Board of Education and the existing Wilson County Board of Education and the Interim 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 existing three administrative units.

Sec. 10. Upon approval of the Plan of Consolidation and Merger as herein provided for as of July 1, 1976, the title to all property of the Elm City Board of Education, the Wilson City Board of Education and the existing County Board of Education and the Interim Board of Education, both real and personal, of every kind and description shall be vested in the resulting Wilson County Board of Education; and the said Boards of Education shall have full and ample authority between June 15, 1976, and July 1, 1976, 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, 1976. All claims and demands of every kind which the Elm City Board of Education, the Wilson City Board of Education and the existing Wilson County Board of Education and the Interim Board of Education may have as of such date, to-wit, July 1, 1976, shall pass and be transferred to the Wilson County Board of Education, and said Wilson County Board of Education shall have the same powers and authority to enforce said claims and demands as its predecessors would have had in the event of their continued existence. Any obligations and liabilities of any predecessor Board of Education shall be and become the obligation and liability of the Wilson County Board of Education as of July 1, 1976, 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 its predecessors had they continued in existence.

As of July 1, 1976, the Wilson County Board of Education shall have all the 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. 11. The merger and consolidation of the Elm City Board of Education, the Wilson City Board of Education and the existing County Board of Education shall be conditioned upon approval of a Plan of Merge and Consolidation entered into and agreed upon by a majority of the members of the Elm City Board of Education, by a majority of the members of the Wilson City Board of Education and by a majority of the members of the existing County Board of Education, which plan shall then be 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.

If a Plan of Merger and Consolidation of the Elm City Board of Education, the Wilson City Board of Education and the existing County Board of Education is not approved by all of the necessary Boards of Education and the County Commissioners of Wilson County and the State Board of Education by July 1, 1975, together with all other conditions of any such Plan of Merger and Consolidation, then and in that event, all the provisions of this act shall become null and void.

Sec. 12. 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 Elm City Board of Education, the Wilson City Board of Education and the existing Wilson County Board of Education shall be suspended as of January 1, 1976, the same as if repealed, and the terms of office of the members of the three 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, 1976, hereunder shall control.

Sec. 13. 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, the Wilson City administrative unit and the existing Wilson County administrative unit.

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

In the General Assembly read three times and ratified, this the 4th day of March, 1974.