

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 145
HOUSE BILL 322

AN ACT TO AMEND CHAPTER 101, PRIVATE LAWS OF 1935 TO CREATE THE
KANNAPOLIS BOARD OF EDUCATION AND TO PROVIDE FOR THE
ELECTION OF ITS MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. That Chapter 101, Private Laws of 1935 relating to the creation and administration of the Kannapolis Administrative Unit be and the same is hereby rewritten to read as follows:

"Section 1. Kannapolis Administrative Unit Declared. The Kannapolis school district, as has been defined by the Boards of Education of Cabarrus and Rowan Counties and approved by the State Board of Education, is hereby declared to be an administrative unit within the contemplation of the General Statutes of North Carolina, and the control and operation of the public schools within said district shall hereinafter be vested in a board of education entitled the 'Kannapolis Board of Education'.

Sec. 2. Change of Boundaries. The boundaries of said administrative unit within either county may be changed from time to time by the recommendation of the Kannapolis Board of Education and the approval of the Cabarrus Board of Education or the Rowan Board of Education, depending on which county is affected by the change, and of the State Board of Education.

Sec. 3. Members of the Board; Terms of Office. The Kannapolis Board of Education shall continue to consist of five members. The terms of office of all present members are hereby extended to the first Monday in the month next following the primary election for county offices in 1978. In addition, the terms of office of Joe L. Mingo, Henry H. Duncan and James N. Moser are hereby extended to said Monday in 1980. The successors of these members shall be elected for terms of four years each as hereinafter provided.

Sec. 4. Members of Board; Elections. For the purpose of electing members of the Kannapolis Board of Education, the territorial area of the Kannapolis school district shall consist of two residence areas as follows: Residence Area No. 1 shall consist of that part of the Kannapolis school district which lies in Cabarrus County, and Residence Area No. 2 shall consist of that part of the school district which lies in Rowan County. Four members of the Kannapolis Board of Education shall reside in Residence Area No. 1 and one member shall reside in Residence Area No. 2.

At the time of the regular primary election to be held for county officers of Cabarrus County in 1978, there shall be elected two members from Residence Area No. 1 to the

Kannapolis Board of Education, who shall serve for terms of four years. Their term of office shall begin on the first Monday in the month next following the primary election in 1978.

At the time of the regular primary election for county offices of Cabarrus County in 1980, two members shall be elected from Residence Area No. 1 and one member from Residence Area No. 2 to the Board of Education who shall serve for terms of four years. Their term of office shall begin on the first Monday in the month next following the primary election.

Successors shall be elected at the time of the regular primary held for county offices as each member's term expires, and members elected shall take office on the first Monday in the month next following the primary election, and shall serve terms of four years.

The candidates from each residence area, equal to the number of positions to be filled from that area, who receive the highest number of votes cast for candidate from that area, shall be declared elected.

The election shall be nonpartisan and no primary or run-off election shall be held. Candidates shall file notice of candidacy at the same time as candidates for county offices file for the primary.

The Board of Elections of Cabarrus County shall hold and conduct the election for members of the Kannapolis Board of Education throughout the school district and the Boards of Elections for Cabarrus and Rowan Counties shall cooperate in working out the administrative details for the proper conduct of said election in accordance with procedures approved by the State Board of Elections.

All qualified voters of the Kannapolis School Administrative Unit shall be eligible to vote for the members of the school board. All candidates must reside in the school district and in the residence area for which they seek election.

Sec. 5. Members of Board; Qualifications. Any qualified voter of the Kannapolis School Administrative Unit may file as a candidate for the Kannapolis Board of Education. Other qualifications shall include those prescribed by law for members of county and city boards of education.

Sec. 6. Members of Board; Vacancies. Vacancies on said board occurring by reason of death, resignation or otherwise than by expiration of the term of office shall be filled for the unexpired term by appointment of the remaining members of the board, and the person appointed must be a resident of the residence area from which the member causing the vacancy was elected.

Sec. 7. Members of the Board; Chairman. At the first regular meeting after the newly elected members have qualified, the board shall organize by electing from its members a chairman who shall preside at the meetings of the board. The superintendent of schools shall be ex officio secretary to the board and such person shall keep the minutes of the meetings of the board, provided that said superintendent shall have no vote.

Sec. 8. Powers and Duties. The Kannapolis Board of Education is hereby vested with all the authority, rights, powers and duties which are now or may hereafter be

granted to city or county school administrative units under the General Statutes of North Carolina.

Sec. 9. Title to School Property. The title to all public school property in the Kannapolis Administrative School Unit shall rest in the Kannapolis Board of Education; and the Board of Education of Cabarrus County and the Board of Education of Rowan County are hereby respectively authorized and directed to convey to the Kannapolis Board of Education all school property and all interest therein, situated within said administrative school unit, the legal title to which school property now vests in the Board of Education of Cabarrus County and the Board of Education of Rowan County respectively, for the use and benefit of the Kannapolis Board of Education; and the title to all public school property hereafter acquired within said unit shall be taken in the name of the Kannapolis Board of Education.

Sec. 10. All laws and clauses of laws in conflict with this act are hereby repealed to the extent of such conflict."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1977.