

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 29
HOUSE BILL 48

AN ACT TO PROVIDE FOR THE REORGANIZATION AND CONSOLIDATION OF THE ELIZABETH CITY BOARD OF EDUCATION AND THE PASQUOTANK COUNTY BOARD OF EDUCATION AND TO CREATE AND ESTABLISH ONE ADMINISTRATIVE BOARD FOR ALL OF THE PUBLIC SCHOOLS IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

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

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

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

(c) The term "Interim Board" shall mean the members of the Elizabeth City City Board of Education acting jointly and together for the administration of all of the public schools within Pasquotank County for the interim period hereinafter provided in this Act.

(d) The term "City Administrative Unit" shall mean the geographical territory over which the Elizabeth City 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 Pasquotank 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 Commissioners of Pasquotank County.

(g) The term "Elizabeth City-Pasquotank 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 Pasquotank County, including those schools now operated and administered by the Elizabeth City Board of Education and now operated and administered by the Pasquotank County Board of Education.

Sec. 2. The newly constituted and established Elizabeth City-Pasquotank 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:

Providence township, Salem township, Newland township, Mount Herman township and other township areas remaining in Pasquotank County shall be entitled to three members except that no two members shall reside in any one township.

Elizabeth City township and that portion of other township areas within the Elizabeth City city limits shall be entitled to three members.

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

Sec. 3. At the time of the primary and election of State and county officers for the year 1968, there shall be nominated and elected seven members who shall constitute the Elizabeth City-Pasquotank Board of Education. Each of said members shall be residents and electors of the townships as set forth in Section 2 of this Act, and each of said members shall be nominated by the voters of Pasquotank County at large in said primary. The candidates in each township receiving the highest number of votes shall be declared to be nominated, and there shall be no second primary. The persons or candidates so nominated from the townships shall be voted upon by the voters of Pasquotank County at large in said election. Each candidate for nomination for membership on the Elizabeth City-Pasquotank 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 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 Elizabeth City-Pasquotank 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, and 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. The three candidates whose residence is within the Elizabeth City township and that portion of other township areas within the Elizabeth City corporate limits, who receive the highest number of votes in descending order, shall serve as follows:

- (1) Highest vote-6 year term.
- (2) Second highest vote-4 year term.
- (3) Third highest vote-2 year term.

The three candidates whose residence is within the Providence township, the Salem township, the Newland township, the Mount Hermon township or other township areas remaining in Pasquotank County, who receive the highest number of votes in descending order, shall serve as follows:

- (1) Highest vote-6 year term.
- (2) Second highest vote-4 year term.
- (3) Third highest vote-2 year term.

The candidate, running at large, who receives the highest number of votes shall serve a six-year term.

The seven candidates receiving the highest number of votes, as outlined in Section 3, in the election shall be certified and declared by the Board of Elections to be the elected members of the Elizabeth City-Pasquotank Board of Education.

Biennially thereafter, at each primary and election for the nomination and election of State and County officers, the vacancies occurring in the membership of said Board 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 six years. The members of said Board nominated and elected in the primary and general election of 1968 shall take office on the first Monday in December, 1968, and the terms of their office shall date and extend from that time. All vacancies in the membership of the Elizabeth City-Pasquotank Board of Education by reason of death, resignation or removal from township shall be filled by the remaining members of said Board from area of residence where vacancy occurs for the complete unexpired term within 30 days after vacancy occurs.

In the event no candidate is elected in the General Election to fill any term which is to expire, then and in that event, the Elizabeth City-Pasquotank Board of Education shall declare a vacancy, and such vacancy shall be filled in accordance with Section 3.

The Elizabeth City-Pasquotank Board of Education shall elect a chairman and vice chairman to preside over its meetings, and the vice chairman shall be entitled to vote in all matters being considered by said Board but neither the chairman nor the vice chairman shall have the authority to cast a vote to create a tie vote and then vote again to break the tie. The Elizabeth City-Pasquotank Board of Education shall control, administer and operate all of the public schools in Pasquotank County, including the public schools now located in the Elizabeth City Administrative Unit, as well as the public schools now located in the Pasquotank County Administrative Unit. The Elizabeth City-Pasquotank Board of Education shall exercise all the powers, authority and duties as are now exercised and performed by city and county boards of education and as provided by Chapter 115 of the General Statutes, as revised and amended, and as the same may hereafter be revised and amended. All members of the said Board shall hold their offices until their successors are elected and qualified.

Sec. 4. In the event the qualified electors of Pasquotank County, by a majority of those voting, shall approve this Act in a special election or referendum as hereinafter provided, then the Interim Board shall on the first day of July, 1967, assume the authority and shall control, operate and administer public schools of Pasquotank County, including those public schools located and situated in the City Administrative Unit. The Interim Board shall meet on the first Monday following the certification of election results by the Board of Elections for the purpose of organization and the election of a superintendent and associate superintendent or assistant superintendent as provided by law. The Interim Board shall consist of the members of the City Board and the 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 shall have no authority to vote to create a tie and

then again vote to break the tie. Replacement, appointment or election of members to the Interim Board shall follow procedures now used to select members for each board separately. Membership shall be maintained at fifteen members for the interim period. The Interim Board shall have power and authority to prepare and submit to the Board of County Commissioners all necessary budgets, including supplemental budgets, and at the time required by law shall prepare and submit to the Board of Commissioners all necessary capital outlay, debt service, current expense budgets, including proper notice to the Board of Commissioners to include any supplemental tax with all other taxes to be levied by the Board of Commissioners for school purposes. The Board of Commissioners may approve or disapprove all budgets, in whole or in part, and shall levy such taxes as are necessary to provide for the approved budget, including the supplemental purposes, not exceeding the amount of the tax levy authorized by the vote of the people. The Interim Board shall expend all funds in conformity with the approved budgets, and in the event of a disagreement between the Interim Board and the Board of Commissioners as to the amount of the supplemental tax levy to be made or as to any budgetary items, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina in Section 115-87 and Section 115-88. For the period of time in which its authority is exercised, the Interim Board shall exercise all the powers and duties that can and may be exercised by city and county boards of education and as provided by Chapter 115 of the General Statutes (Replacement 1960) as amended, and as the same may be hereafter revised and amended. When the Interim Board shall assume authority as herein provided in this Act, all authority and power of the City Board and County Board shall cease and terminate, and the same shall be vested in the Interim Board. The Interim Board is authorized and empowered to employ a superintendent, associate superintendent or assistant superintendent, and to employ all necessary principals, teachers, clerical assistants, janitors, maids and all other necessary school employees or personnel as now provided by the public school law. In the event the Interim Board shall assume power and authority to administer the public school system of the County of Pasquotank, including the public schools of the City Administrative Unit, then its power and authority for such purposes shall cease and terminate on the first Monday in December, 1968, when the Elizabeth City-Pasquotank Board of Education shall assume authority and its members take office as herein provided. Nothing herein shall affect the supplemental tax of the Elizabeth City School Administrative Unit levied for public school purposes unless and until the county-wide supplemental tax for all the schools in the county is approved according to the provisions of this Act.

Sec. 5. In the year 1967, and in each subsequent year, at the same time the other budgets are filed, the Elizabeth City-Pasquotank Board of Education shall file a supplemental budget and request that a sufficient levy be made by the Board of Commissioners on all taxable property located within said county not to exceed the rate voted by the people in said county. The Board of Commissioners may approve or disapprove the supplemental budget, in whole or in part, and shall levy such taxes as are necessary to provide for the approved budget for supplemental purposes, not exceeding

the amount of the tax levy authorized by the vote of the people. The expenditure of the proceeds of said levy shall be in accordance with the aforesaid supplemental budget as approved by the Board of Commissioners. In the event of a disagreement between the Elizabeth City-Pasquotank Board of Education and the Board of Commissioners as to the amount of the supplemental tax levy to be made, such disagreement shall be resolved by the procedure provided in G. S. 115-87 and G. S. 115-88.

Sec. 6. The Elizabeth City-Pasquotank Board of Education shall appoint a treasurer of all the school funds which are appropriated and provided for all the public schools of the county; provided that all school debt service funds shall be deposited with the County Treasurer in the manner specified by the General Statutes of North Carolina. The treasurer so appointed shall continue to fill such position at the will of the Elizabeth City-Pasquotank Board of Education. No person authorized to make the expenditures or draw vouchers therefor, or to approve the same, shall act as treasurer of said funds. The treasurer shall give bond for the faithful performance of his duties in such amount as the Elizabeth City-Pasquotank Board of Education may prescribe, but in no event for less than twenty-five thousand dollars (\$25,000.00). Except as herein otherwise expressly provided, the treasurer shall perform the duties prescribed by the applicable provisions of Chapter 115 of the General Statutes (Replacement 1960) and shall be subject to all such provisions. All sums appropriated by said Board of Commissioners for capital outlay, current expenses and to supplement the current expenses fund from State and county allotments shall be paid over to the treasurer of the Elizabeth City-Pasquotank Board of Education at reasonable periods after the receipt of said funds by the auditor or other proper official of Pasquotank County; provided, however, that the Board of Commissioners shall hold and administer the proceeds of school bond sales as now provided by law; provided further that the County Accountant shall countersign all checks, warrants, and orders of the Board of Education, as provided by Section 115-90 of the General Statutes of North Carolina. In accordance with the provisions of G. S. 115-50, the monthly payroll therein provided for, as to each school, shall be signed by the principal of the school, and it shall not be required that committee chairmen sign the same. Whenever the Elizabeth City-Pasquotank Board of Education shall have authorized the execution of any contract, conveyance, or other instrument, the vice chairman shall have the same authority as the chairman to execute the same on behalf of such Board. In the event of the absence or inability of both the chairman and vice chairman to attend any meeting or meetings, the Elizabeth City-Pasquotank Board of Education by resolution duly adopted and spread upon the minutes of any meeting, may authorize any other member to execute any contract, for and on behalf of such Board.

Sec. 7. The superintendent of schools shall be ex officio secretary of the Elizabeth City-Pasquotank Board of Education as provided by G. S. 115-56. The said Board may elect an assistant secretary to serve at the pleasure of the said Board. The assistant secretary may be, but shall not be required to be, a member of said Board. Such assistant secretary may perform the duties of the secretary of the said Board when the secretary is absent from any meeting or for any other reason is unable to perform his

duties as secretary. The assistant secretary shall have authority to attest all contracts, conveyances, and other instruments which are required by law to be attested by the secretary. The secretary, or in his absence the assistant secretary, shall keep the minutes of all meetings of the said Board and it shall be the duty of such secretary or assistant secretary to furnish each member of the said Board with a copy of the minutes as soon after any meeting as may be reasonably practicable. In addition to the election of a superintendent of schools in the manner provided by the general law, the said Board may employ such associate superintendents and assistant superintendents and such other administrative officers as it may deem necessary and proper, and prescribe their duties. They may be elected to serve at the pleasure of the Board for such terms as may be fixed by the Board, but the terms of any associate superintendents or assistant superintendents shall not exceed the term for which the superintendent is employed. Except as modified by other provisions of this Act, all principals and teachers shall be elected in the manner prescribed by the general law. The Board may delegate to the superintendent of schools, or to one or more associate superintendents or assistant superintendents or to other administrative officers, authority to employ and prescribe the duties of all other employees or classes of employees, including janitors and maids, and to fix the compensation within such limits as the Board may prescribe and to determine the terms or periods for which they shall be employed. The compensation of administrative officers of the Board shall be fixed by the Board. Out of any local supplement the Board may pay to any employee or employees such compensation, in addition to compensation paid such employee or employees by the State, as it may deem proper.

Sec. 8. The Elizabeth City-Pasquotank Board of Education as herein created may appoint school committees for some or all of the districts within Pasquotank County in accordance with the provisions of the general public school law, but said Board shall not be required to appoint school committees in all districts, and in any district within which no school committee is appointed, the Board itself shall exercise those functions which are given to school committees under the general law.

Sec. 9. Title to all property of the City Board of Education and all property of the County Board of Education, both real and personal, of every kind and description, shall be vested in the Elizabeth City-Pasquotank Board of Education as of July 1, 1967, and to its successors as hereinafter provided in this Act. The City Board and the County Board shall have full and ample authority prior to July 1, 1967, to execute all such deeds and other writings as may be deemed necessary to vest record title to any such property in the Elizabeth City-Pasquotank Board of Education. All claims and demands of every kind which the City Board and the County Board may have as of July 1, 1967, shall pass and be transferred to the Elizabeth City-Pasquotank Board of Education, and said Board of Education shall have the same power and authority to enforce said claims and demands as said City Board and County Board would have had in the event of their continuing existence. Any obligations and liabilities of the City Board or County Board existing as of July 1, 1967, shall be and become the obligations and liabilities of the Elizabeth City-Pasquotank Board of Education and such obligations and liabilities may

be enforced against said Elizabeth City-Pasquotank Board of Education to the same extent that they might have been enforced against the City Board or the County Board had they continued in existence. All unexpended taxes collected by the auditor or other proper officer of Pasquotank County on account of school supplement levies made within the City Administrative Unit prior to the first of July, 1967, shall be paid by the said auditor or other proper officer to the treasurer of the Elizabeth City-Pasquotank Board of Education on or before July 1, 1967.

Sec. 10. All funds or moneys now being paid to either the City Board or the County Board by the Alcoholic Board of Control, or from any other sources, shall be paid to the Interim Board when it assumes authority or control of the public schools as provided by this Act, and on and after July 1, 1967, all funds derived from the Alcoholic Board of Control for school purposes shall be paid to the Elizabeth City-Pasquotank Board of Education.

Sec. 11. The compensation of the members of the Interim Elizabeth City-Pasquotank Board of Education and thereafter of the Elizabeth City-Pasquotank Board of Education is hereby fixed at fifteen dollars (\$15.00) per meeting per member. The compensation of the chairman of the Interim Elizabeth City-Pasquotank Board of Education and thereafter of the Elizabeth City-Pasquotank Board of Education is hereby fixed at fifteen dollars (\$15.00) per meeting plus one hundred and fifty dollars (\$150.00) per annum.

Sec. 12. The Board of Elections shall within ten days after ratification of this Act by the General Assembly of North Carolina initiate the election process and shall set forth the date and time such election shall be held. When the special election or referendum is called by the Board of Elections the same shall be held and conducted by the Board of Elections of Pasquotank County, and the provisions of G. S. 115-116(g) and other provisions of Article 14 of Chapter 115 of the General Statutes, dealing with elections and related matters, shall be applicable to said special election or referendum insofar as they are not inconsistent with the provisions of this Act. At any special election or referendum, there shall be submitted to the vote of the people of Pasquotank County the question of the reorganization and consolidation of the City Board and County Board and the creation of one administrative board for all the public schools in Pasquotank County and for providing a supplemental school tax throughout Pasquotank County not to exceed sixteen cents (16¢) on the one hundred dollars (\$100.00) valuation. The ballot at such special election or referendum shall contain substantially the following:

"For consolidation and reorganization of the Elizabeth City City Board of Education and the Pasquotank County Board of Education and the creation of one administrative board for all the public schools in Pasquotank County and a supplemental school tax throughout Pasquotank County not to exceed sixteen cents (16¢) on the one hundred dollar (\$100.00) valuation." "Against consolidation and reorganization of the Elizabeth City City Board of Education and the Pasquotank County Board of Education and the creation of one administrative board for all the public schools in Pasquotank County

and a supplemental school tax throughout Pasquotank County not to exceed sixteen cents (16¢) on the one hundred dollar (\$100.00) valuation."

If at such election or referendum the majority of the votes cast favor the reorganization and consolidation of the City Board and County Board and the creation of the Elizabeth City-Pasquotank Board of Education and the majority of the votes cast also favor a supplemental school tax not to exceed sixteen cents (16¢) on the one hundred dollars (\$100.00) valuation, the preceding Sections of this Act shall be operative as of July 1, 1967, following the results and determination of said election or referendum, with the exception of those Sections which by their nature would become operative prior to said date, and the supplemental school tax authorization shall become effective at the same time. If the majority of the votes so cast at said election or referendum is against such reorganization and consolidation and creation of the Elizabeth City-Pasquotank Board of Education and is against such supplemental school tax, then in such event, the preceding Sections of this Act shall not become operative.

Sec. 13. All general or public laws inconsistent with and in conflict with this Act are hereby repealed.

Sec. 14. All Special, Local, Public-Local or Private Laws inconsistent with and in conflict with this Act are hereby repealed.

Sec. 15. If any clause, sentence, paragraph or provision of this Act shall for any reason be adjudged by any court to be unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph or provisions adjudged unconstitutional or invalid.

Sec. 16. 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 8th day of March, 1967.