

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 991  
SENATE BILL 950

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS IN  
BEHALF OF SCHOOL DISTRICTS IN WAYNE COUNTY AND THE LEVY OF  
TAXES WITHIN SUCH DISTRICTS FOR THE PAYMENT OF SUCH BONDS.

The General Assembly of North Carolina do enact:

**Section 1.** Upon receipt of a petition, signed by not less than ten percent (10%) of the qualified voters of the territory described in such petition, praying that such territory be created a school district and that bonds be issued under the provisions of this act, the Board of County Commissioners of the county in which such territory is located shall cause notice to be given by three (3) weekly publications in a newspaper circulating in such territory that on the date stated in such notice, which shall not be earlier than twenty (20) days after the first publication of such notice, it will hold a public hearing upon the question of creating a school district comprised of the territory described in such petition and set forth in such notice, and that any taxpayer or other interested person may appear and be heard. At the time and place stated in such notice, such Board shall hear all interested persons and may adjourn the hearing from time to time.

The petition herein provided for shall be filed with the Board of County Commissioners and referred to the County Board of Elections to determine the sufficiency thereof, and upon a finding by the County Board of Elections that the petition meets the requirements of this act, the Chairman of said Board shall file a certificate to that effect with the County Board of Commissioners.

**Sec. 2.** Such hearing shall be advisory only to the Board of County Commissioners and such Board may deny such petition, or it may grant such petition and enter an order creating a school district comprised of either the territory described in such petition or a part of such territory and additional territory, and the order of such Board creating such school district shall define the boundaries thereof; provided, however, that all the territory embraced in a new school district shall be located in one county. Each school district so created shall be designated by such Board as the \_\_\_\_\_ School Bond District of Wayne County," inserting in the blank spaces some name identifying the locality and the name of the county.

**Sec. 3.** Such Board shall order a special election to be held in such school district for the purpose of voting upon the question of issuing bonds and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering, renovating and equipping school buildings which may include classroom and

laboratory facilities, gymnasiums, agricultural, technical and mechanical buildings and shops, cafeterias and other necessary buildings and sites therefor in such district.

In all such elections, the County Board of Elections shall designate the polling place or places and appoint the registrars and judges.

The notice of election shall be given by publication at least three (3) times in some newspaper published or circulating in such district. The first publication of the notice shall be at least thirty (30) days before the election. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district, unless the district is coterminous with a city or town (in which event the notice shall so state), the maximum amount of bonds to be issued, the purpose for which the bonds are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district for the payment of the principal of and interest on the bonds.

A new registration of the qualified voters of such district shall be ordered, and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district at least thirty (30) days before the close of the registration books. Such publication of the notice of registration may be considered one of the three publications of notice of the election required. Such published notice of registration shall state the dates on which the books will be open for registration of the voters and the polling place or places designated by the County Board of Elections. The books for such new registration shall close on the second Saturday before the election. The Saturday next before the election shall be challenge day and, except as otherwise provided in this act, such election shall be held in accordance with the laws governing general elections. The question to be submitted at the election shall be in substantially the following form: "For the issuance of \$ \_\_\_\_\_ School Building Bonds and the levying of a sufficient tax for the payment thereof", and "Against the issuance of \$ \_\_\_\_\_ School Building Bonds and the levying of a sufficient tax for the payment thereof".

**Sec. 4.** At the close of the polls the election officers shall count the votes and make returns thereof to the County Board of Elections, which Board shall canvass the returns and certify the results to the Board of County Commissioners. The election officers shall incorporate in the returns not only the number of votes cast for and against the bonds, but also the number of voters registered and qualified to vote at the election and the County Board of Elections shall include in its canvass not only the number of votes cast for and against the bonds, but also the number of voters registered and qualified to vote at the election.

The Board of County Commissioners shall judicially determine and declare the results of such election, and the determination shall be spread upon the minutes of said Board. The Board of County Commissioners shall prepare a statement showing the number of votes cast for and against the bonds and declaring the results of the election, which statement shall be signed by a majority of the Commissioners, and the Clerk of the Board of County Commissioners shall record it in the minutes of the Board, file the original in his office and publish it once in a newspaper published or circulating in such district.

No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district shall be asserted, nor shall the validity of such election or the validity of the creation of such district, or the right or duty to levy a sufficient tax for the payment of the principal and interest on such bonds, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of result as provided in this section.

**Sec. 5.** If a majority of the votes cast shall be in favor of the issuance of such bonds and the levy of such tax, then the Board of County Commissioners may provide by resolution for the issuance, at one time or from time to time, of such bonds, which bonds shall be issued in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district; provided, however, that the Board of County Commissioners may pay from available county funds any part of the principal of and interest on such bonds. The bonds shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners may determine, subject to the limitations and restrictions of this act. Such bonds shall mature so that the aggregate principal amount of such issue shall be payable in consecutive annual installments, beginning not more than three (3) years after the date of the bonds of such issue and ending not more than thirty (30) years after such date. No such installment shall be more than two and one-half (2 1/2) times as great in amount as the smallest prior installment of the same bond issue. The bonds shall bear interest, payable semi-annually, at such rate or rates as shall be determined by resolution of the Board of County Commissioners and may have interest coupons attached, and may be made registrable as to principal alone or as to both principal and interest, under such terms and conditions as may be prescribed by said Board. The bonds shall be signed by the Chairman of the Board of County Commissioners, and the seal of the county shall be impressed upon each bond and attested by the Clerk of the Board of County Commissioners, and the interest coupons shall bear the facsimile signature of such Clerk. The delivery of bonds, signed as aforesaid by officers in office at the time of such signing, shall be valid notwithstanding any changes in office occurring after such signing.

**Sec. 6.** The Board of County Commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district in which the election was held, sufficient to pay the principal of and interest on the bonds as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district. The taxes provided for in this section shall be collected by the county officer collecting other taxes and be applied solely to the payment of such bonds.

**Sec. 7.** The powers conferred by this act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds, or any provisions of law for the payment of bonds issued under such powers, or for the custody of moneys provided for such payment.

**Sec. 8.** This act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required; provided, however, that the provisions of the Local Government Act, as amended, as then in force shall be applicable to the bonds authorized by this act.

**Sec. 9.** No bonds shall be issued under the provisions of this act after June 30, 1976.

**Sec. 10.** This act shall apply only to Wayne County.

**Sec. 11.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of July, 1971.