

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 391
SENATE BILL 612

AN ACT TO PROVIDE FOR THE MERGER AND CONSOLIDATION OF THE
SCHOOL ADMINISTRATIVE UNITS IN NASH COUNTY AND THE CITY OF
ROCKY MOUNT.

The General Assembly of North Carolina enacts:

Section 1. The purpose of this act is to merge the Rocky Mount City and the Nash County School Administrative Units for the purpose of providing a quality education to all students residing therein.

Sec. 2. As used in this act, certain terms are defined as follows:

- (1) The term "county board" means the existing Nash County Board of Education.
- (2) The term "city board" means the existing Rocky Mount City Board of Education.
- (3) The term "county administrative unit" means the geographical territory over which the Nash County Board of Education currently exercises authority in administering and operating the public schools of said unit.
- (4) The term "city administrative unit" means the geographical territory over which the Rocky Mount City Board of Education currently exercises authority in administering and operating the public schools of said unit.
- (5) The term "county commissioners" means the Board of County Commissioners of Nash County.
- (6) The term "city" means the City of Rocky Mount.
- (7) The term "Interim Board" means a separate board of education elected pursuant to this act for the purpose of planning for the operation and administration of all public schools located in the Nash-Rocky Mount School Administrative Unit.
- (8) The term "Nash-Rocky Mount Board of Education" means the single administrative body elected pursuant to this act for the purpose of operating and administering all of the public schools of the Nash-Rocky Mount School Administrative Unit.
- (9) The term "Nash-Rocky Mount School Administrative Unit" means the geographic territory included in the city administrative unit and the county administrative unit.

Sec. 3. The county administrative unit and the city administrative unit (including that portion of the existing city administrative unit located in Edgecombe County) are hereby merged and consolidated into a single school administrative unit to be known as the "Nash-Rocky Mount School Administrative Unit."

Sec. 4. (a) The effective date of the merger of the county administrative unit and the city administrative unit shall be July 1, 1992.

(b) On July 1, 1992, the Rocky Mount City special school tax district shall cease to exist and the Rocky Mount City special school tax shall be abolished.

Sec. 5. After the effective date of the merger, the Nash-Rocky Mount Board of Education shall operate and administer all of the public schools in the Nash-Rocky Mount School Administrative Unit.

Sec. 6. The Interim Board shall be elected as a body politic and from and after the date it takes office shall assume the authority and responsibility for planning for the operation and administration of all public schools located in the Nash-Rocky Mount School Administrative Unit. The Interim Board shall prepare and submit to the State Board of Education the written plan of merger and consolidation provided for herein. The Interim Board shall meet within 15 days after it takes office for the purpose of organizing and shall elect a chairman to preside over its meetings. All vacancies occurring in the membership of the Interim Board for whatever reason shall be filled by the remaining members of said board by appointing a member from the voting district in which the vacancy occurred. For the purposes for which the Interim Board is hereby established, it shall have all statutory powers to prepare and submit to the county commissioners all necessary budgets including supplemental budgets. The Interim Board shall expend all funds in conformity with approved budgets.

In addition, from and after the approval of the plan of merger and consolidation, the Interim Board shall have all necessary power and authority to make contracts, hire personnel and adopt policies and administrative procedures, all as the same may relate to all school matters for the school year 1992-93 and for subsequent school years.

Sec. 7. The Interim Board shall consist of 11 members elected from 11 single-member districts by the registered voters of each respective district. No person shall be eligible to file for, or be elected to, the Interim Board or to serve thereon unless he or she is a qualified voter and resident of the district from which such person seeks to be elected.

Sec. 8. (a) The 11 members of the Interim Board shall be elected on a nonpartisan basis at a special election conducted by the Nash County Board of Elections and the Edgecombe County Board of Elections to be held on October 15, 1991, and the runoff election, if required, shall be held on November 5, 1991. Absentee voting shall begin as soon as practicable under a timetable established jointly by the Nash County Board of Elections and the Edgecombe County Board of Elections. The Interim Board shall take office on November 11, 1991. All members of the county board or city board holding such office on the date this act is precleared may become candidates for the Interim Board without resigning their office. In the event any member of the Nash County Board of Education is elected to the Interim Board, the General Assembly

appoints that person to serve the remainder of the unexpired term on the Nash County Board of Education and that office shall thereafter be considered an appointive office.

(b) A candidate seeking election to the Interim Board shall file notice of candidacy with the Nash County Board of Elections or the Edgecombe County Board of Elections not later than 12:00 o'clock noon on the Friday preceding the fourth Saturday before the special election and not earlier than 12:00 o'clock noon on the Friday preceding the eighth Saturday before the special election.

(c) Except as specifically provided for in this act, the election of members to the Interim Board shall be conducted according to the provisions of G.S. 163-293.

(d) The term of office of each member of the Interim Board elected at the special election shall exist and continue until July 1, 1992, when each member of the Interim Board shall become a member of the Nash-Rocky Mount Board of Education.

Sec. 9. (a) Districts to be used for elections of the Interim Board and for the Nash-Rocky Mount Board of Education shall be as follows:

District 1: All of North Whitakers #1 Precinct. All of North Whitakers #2 Precinct. All of Griffins Precinct. All of Castalia Precinct. All of Battleboro Precinct. That part of Mannings #2 Precinct starting at the intersection of State Highway 1305 and State Highway 1300; thence along State Highway 1300 to its intersection with State Highway 1303; thence along State Highway 1303 to its intersection with a special transport boundary; thence along the special transport boundary to its intersection with the precinct line; thence along the precinct line to the point of origin. That part of Mannings #1 Precinct starting at the intersection of White Creek and the Nash/Franklin County line; thence along White Creek to its intersection with State Highway 1320; State Highway 1320 to State Highway 581, State Highway 581 to State Highway 1306, State Highway 1306 to the Precinct boundary and thence along the precinct boundary to the point of origin.

District 2: All of Bailey Precinct. That part of Jacksons Precinct not contained in District 3. That part of Coopers Precinct not contained in District 4. That part of Rocky Mount #5 Precinct not contained in District 6.

District 3: All of Drywells Precinct. All of Ferrells Precinct. That part of Mannings #1 Precinct not contained in District 1. That part of Jacksons Precinct starting at the intersection of the Tar River and State Highway 1001; thence along State Highway 1001 to its intersection with State Highway 97; thence along State Highway 97 to its intersection with State Highway 1949; thence along State 1949 to its intersection with State Highway 1134 (the precinct line); thence along the precinct line to the point of origin.

District 4: All of Nashville Precinct. That part of Coopers Precinct starting at the intersection of State Highway 1717 and Sapony Creek; thence along State Highway 1717 to its intersection with State Highway 1930; thence along State Highway 1930 to its intersection with State Highway 1756; thence along State Highway 1756 to its

intersection with an unnamed creek just south of State Highway 1930 (census Feature H11); thence along the unnamed creek to its intersection with the precinct line; thence along the precinct to the point of origin. That part of Mannings #2 Precinct not contained in District 1.

District 5: All of Red Oak Precinct. Part of Oak Level Precinct starting at the intersection of State Highway 1145 and State Highway 1700; thence along State Highway 1700 to its intersection with I-95; thence along I-95 to its intersection with State Highway 1707; thence along State Highway 1707 to its intersection with Halifax Road; thence along Halifax Road to its intersection with Old Mill Road; thence along Old Mill Road to its intersection with the precinct line; thence along the precinct line to the point of origin. Part of Stoney Creek #1 Precinct except part described in District 7. Part of Rocky Mount #7 Precinct except part described in District 6.

District 6: That part of Rocky Mount #5 Precinct starting at the intersection of Halifax Road and State Highway 97; thence along State Highway 97 to its intersection with West Tarboro Road; thence along West Tarboro Road to its intersection with the precinct line (county line); thence along the precinct line to its intersection with Halifax Road; thence along Halifax Road to the point of origin. That part of Oak Level Precinct not contained in District 5 or District 8 including that portion of Oak Level Precinct that is noncontiguous. That part of Rocky Mount #6 Precinct south of Maple Creek and bounded by the precinct line. That part of Rocky Mount #7 Precinct starting at the intersection of Halifax Road and the Seaboard Coast Line Railroad; thence along the Seaboard Coast Line Railroad to its intersection with Mansfield Drive; thence along Mansfield Drive to its intersection with Hawthorne Road; thence along Hawthorne Road to its intersection with Gravely Drive; thence along Gravely Drive to its intersection with Woodlawn Road; thence along Woodlawn Road to its intersection with Winstead Avenue; thence along Winstead Avenue to its intersection with Sunset Avenue; thence along Sunset Avenue to its intersection with the precinct line; thence along the precinct line to the point of origin.

District 7: That part of Rocky Mount #1 Precinct that is not contained in District 8. Those parts of Stoney Creek #1 Precinct:

- (1) Starting at the intersection of Benvenue Road, Dorches Blvd, and Winstead Avenue Extension; thence along Winstead Avenue Extension to Woodruff Road; thence along Woodruff Road to the precinct boundary; thence along the precinct boundary to its intersection with State Highway 1535; thence along State Highway 1535 to its intersection with Benvenue Road; thence along Benvenue Road to the point of origin; and
- (2) Starting at the intersection of State Highway 1536 and State Highway 1535; thence along State Highway 1536 to its intersection with State Highway 48; thence along State Highway 48 to its intersection with the precinct line (Compass Creek); thence along the precinct line to its

- intersection with State Highway 1535; thence along State Highway 1535 to the point of origin; and
- (3) All of Stoney Creek Noncontiguous A and all of Stoney Creek Noncontiguous B.

District 8: That part of Oak Level Precinct north of Bethlehem Road and bounded by the precinct line. Part of Rocky Mount #1 Precinct starting at the intersection of West Thomas Street and Seaboard Coast Line Railroad; thence along Seaboard Coast Line Railroad to its intersection with the Tar River; thence along the Tar River to its intersection with the precinct boundary; thence along precinct boundary to the point of origin. Part of Rocky Mount #2 Precinct except part described in District 9. Part of Rocky Mount #4 Precinct except part described in District 10. Part of Rocky Mount #6 Precinct except part described in District 6.

District 9: Rocky Mount #3 Precinct. That part of Rocky Mount #2 Precinct starting at the intersection of Sunset Ave. and S. Howell Street; thence along S. Howell Street to its intersection with Seaboard Coast Line Railroad; thence along Seaboard Coast Line Railroad to the county line; thence along the county line to its intersection with W. Thomas Street; thence along W. Thomas Street to N. Howell St.; thence along N. Howell St. to the point of origin. That part of 12-2 Precinct starting at the intersection of Tarboro Street and Seaboard Coast Line Railroad; thence along Tarboro Street to its intersection with George Street; thence along George Street to its intersection with Seaboard Coast Line Railroad; thence along Seaboard Coast Line Railroad to the point of origin. That part of 12-5 Precinct that is in the Nash-Rocky Mount School Administrative Unit.

District 10: That part of Rocky Mount #4 Precinct starting at the intersection of Nashville Road and Azalea Street; thence along Azalea Street to its intersection with a special transport boundary; thence along the special transport boundary to its intersection with Graham Street; thence along Graham Street to its intersection with Griffin Street; thence along Griffin Street to its intersection with the special transport boundary; thence along the special transport boundary to its intersection with Raleigh Road; thence along Raleigh Road to its intersection with the precinct boundary; thence along the precinct boundary to the point of origin. That part of 12-1 Precinct starting at the intersection of Tarboro Street and George Street; thence along Tarboro Street to its intersection with Redgate Avenue; thence along Redgate Avenue to its intersection with Cokey Road; thence along Cokey Road (the precinct boundary) to the point of origin. That part of 12-2 Precinct not contained in District 9.

District 11: That part of 12-1 Precinct that is within the Nash-Rocky Mount School Administrative Unit except that portion that is contained in District 10. That part of 12-2 Precinct that is within the Nash-Rocky Mount School Administrative Unit and that is to the east of Old Wilson Road. That part of 12-4 Precinct that is in the Nash-Rocky Mount School Administrative Unit.

Notwithstanding the description in this subsection, there is excluded from any district any portion of Edgecombe County which is not within the Rocky Mount City School Administrative Unit. Precincts as listed in this act are Voting Tabulation Districts as reported under Public Law 94-171 for the 1990 Federal Census. Census geography is as reported for the 1990 Federal Census.

(b) If the United States Department of Justice fails to preclear this act pursuant to Section 5 of the Voting Rights Act of 1965, the city board and the county board by joint resolution adopted by each are authorized to make any necessary modifications to the election districts described in paragraph (a) or, if preclearance is not obtained by August 5, 1991, to modify the election schedule set forth in Section 8(a) above.

Sec. 10. (a) On July 1, 1992, the Interim Board shall become the Nash-Rocky Mount Board of Education and the members of the Interim Board shall become the members of the Nash-Rocky Mount Board of Education and shall represent the districts from which they were elected in the special election.

(b) The terms of office for each member of the Nash-Rocky Mount Board of Education shall begin on July 1, 1992, and shall expire as follows:

- (1) The terms of office for seats 2, 4, 6, 8 and 9 shall expire on the first Monday in December of 1994;
- (2) The terms of office for seats 1, 3, 5, 7, 10 and 11 shall expire on the first Monday in December of 1996.

Sec. 11. (a) In the year 1994, and each two years thereafter, the members of the Nash-Rocky Mount Board of Education shall be elected for four-year terms of office on a nonpartisan basis as provided in Chapter 115C and Chapter 163 of the General Statutes, with the results determined in accordance with G.S. 163-293. The runoff election shall be held on the first Tuesday in December. The two Boards of Elections shall adopt a special absentee voting timetable for the runoff. The filing period shall be from noon on the first Friday in July until noon on the first Friday in August. Elections shall be held on the first Tuesday after the first Monday in November. Persons elected to the Nash-Rocky Mount Board of Education shall take office on the second Monday in December following their election, and the terms of their office shall date and extend from that time.

(b) No person shall be eligible to file for, or be elected to, the Nash-Rocky Mount Board of Education, or to serve thereon, unless he or she is a qualified voter and resident of the district from which he or she seeks to be elected. Candidates shall be voted on by the electors residing in the district from which they seek election.

Sec. 12. The Nash-Rocky Mount Board of Education, by a majority vote of all members present, shall elect a chairman to preside at meetings and a vice-chairman to preside at meetings in the absence of the chairman; the chairman and the vice-chairman shall have a vote on all matters considered by the Nash-Rocky Mount Board of Education. All vacancies occurring in the membership of the Nash-Rocky Mount Board of Education by reason of death, resignation, removal of residence from the district from which elected or for any cause whatsoever, shall be filled by the remaining

members of said board by appointing a member from the voting district created by the vacancy for the unexpired term. The Nash-Rocky Mount Board of Education shall have all power and authority as a board of education as herein conferred by the General Statutes on boards of education in general.

Sec. 13. From the date that the Interim Board takes office and until July 1, 1992, the city board and the county board 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 other powers conferred by law except those which are specifically given to the Interim Board.

The financial administration of the existing city board and the existing county board until terminated as herein provided shall be governed by the provisions of the General Statutes and applicable local acts, except that the Interim Board shall have specific authority from the date it takes office to June 30, 1992, to prepare and submit to the county commissioners all necessary budgets, including supplemental budgets, and at the time required by law to prepare and submit to the county commissioners all necessary capital outlay, debt service, and current expense budgets for school purposes, all for and in behalf of the Nash-Rocky Mount Board of Education, notwithstanding the fact that the Nash-Rocky Mount Board of Education shall not assume responsibility for operating and administering the public schools in the Nash-Rocky Mount School Administrative Unit until July 1, 1992.

Sec. 14. When any vacancy occurs on the city board or the county board prior to July 1, 1992, such vacancies shall be filled in the manner now provided by law.

Sec. 15. As of July 1, 1992, when the Nash-Rocky Mount Board of Education assumes all of the authority of the administering and operating all schools in the existing city administrative unit and the existing 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 Nash-Rocky Mount Board of Education which shall control, administer, and operate all of the public schools located in the Nash-Rocky Mount School Administrative Unit.

Sec. 16. Not later than 120 days after it takes office, the Interim Board of Education shall submit to the State Board of Education for the approval of said State Board a written plan of merger and consolidation merging and consolidating the county administrative unit and the city administrative unit. The provisions of the plan shall be consistent with the General Statutes and shall contain, but not be limited to, the following:

- (1) The power, authority, and duties of the Nash-Rocky Mount Board of Education with respect to the employment of personnel, the preparation of budgets, and any other related matters which may be particularly applicable to the Nash-Rocky Mount School Administrative Unit not inconsistent with the General Statutes.
- (2) The transfer of all funds, contracts, obligations, assets, and liabilities from the county board, the city board, and the Interim Board to the Nash-Rocky Mount Board of Education.

- (3) Provisions for a public hearing, which shall have been announced at least 10 days prior to the hearing, on the plan of merger.
- (4) Any other condition or prerequisite to merger, together with any other appropriate subject or function that may be necessary for the orderly consolidation and merger of the county administrative unit and the city administrative unit.

Upon the failure of the Interim Board to submit a written plan of merger and consolidation as herein provided, or upon the failure of the State Board to approve prior to June 1, 1992, any plan submitted hereunder by the Interim Board, the State Board shall prepare an approved plan of merger and consolidation for the Nash-Rocky Mount School Administrative Unit to be effective July 1, 1992.

No plan of merger and consolidation shall become effective until approval is granted by the State Board. Upon approval of the State Board of Education, the plan of merger and consolidation shall become final and shall be deemed to have been made by authority of law and shall not be changed or amended except by an act of the General Assembly. The approved written plan shall be placed in the custody of the Nash-Rocky Mount Board of Education and a copy filed with the Secretary of State.

Sec. 17. (a) The Interim Board and the Nash-Rocky Mount Board of Education shall make their best efforts to achieve a racial balance in student enrollment, within plus or minus 12 percentage points of the systemwide average minority student enrollment at the following schools: Rocky Mount Senior High, Northern Nash Senior High and any new high school within the Nash-Rocky Mount School Administrative Unit, and any middle or junior high school that feeds any of these high schools. A school will be considered to be in substantial compliance with the racial balance objectives of this paragraph if its racial balance is plus or minus 18 percentage points of the systemwide average minority student enrollment.

(b) For all schools other than those covered in subsection (a) of this section, the Nash-Rocky Mount Board of Education will promote reasonable and practical racial balance in the schools, utilizing and preserving neighborhood and voluntary schools to the maximum extent permitted by the Constitution, and consistent with sound educational practices.

(c) Except as set forth in subsections (a) and (b) of this section, neither this act, its implementation, nor any act pursuant to it shall create any legal obligation, or any way alter or modify legal or constitutional obligations of the Nash-Rocky Mount school unit with respect to student attendance patterns beyond those incumbent upon the predecessor school administrative units prior to enactment of this act. Nor shall this act extinguish or alter the rights of any resident of the Nash-Rocky Mount School administrative unit with respect to student assignment as they existed prior to the act.

Sec. 18. (a) Except as otherwise agreed to by the city board and the county board, the title to and ownership of all property of the city board and the county board and the Interim Board, both real and personal of every kind and description, shall be vested in the Nash-Rocky Mount Board of Education; and the city board and the county board and the Interim Board shall execute all deeds and other instruments of conveyance as may be necessary and appropriate to vest record title to and ownership of

any property held by them in and to the Nash-Rocky Mount Board of Education on or before July 1, 1992.

(b) All claims and demands of every kind which the city board and county board and the Interim Board may have as of July 1, 1992, shall pass and be transferred to the Nash-Rocky Mount Board of Education, and said board of education shall have the same powers and authority to enforce said claims and demands as the county board and the city board and the Interim Board would have had in the event of their continued existence. Any obligations and liabilities of the city board and the county board and the Interim Board existing as of July 1, 1992, shall become the obligations of the Nash-Rocky Mount Board of Education as of July 1, 1992, and such obligations and liabilities may be enforced against the Nash-Rocky Mount Board of Education thereafter to the same extent that they might have been enforced against the existing boards had they continued in existence.

Sec. 19. The terms of office of the members of the county board and the city board shall expire on the date of termination of each respective board of education hereunder. All future elections for members to such existing boards are hereby canceled.

Sec. 20. Beginning July 1, 1992, and for each school year thereafter the County Commissioners of Edgecombe County shall appropriate to the Nash-Rocky Mount School Administrative Unit local current expense funds as provided by G.S. 115C-430. In addition, beginning July 1, 1992, and for each school year thereafter, all capital outlay funds coming into the possession of the County Commissioners of Edgecombe County, whether such funds be derived from taxation, the proceeds of bonds or notes, appropriations from profits of the Alcoholic Beverage Control Stores, loans or grants from the State or federal governments, or any agency or subdivision thereof, or from any other source whatsoever, shall be apportioned between the school administrative unit or units serving that portion of Edgecombe County lying outside of the boundaries of the Nash-Rocky Mount School Administrative Unit and the Nash-Rocky Mount School Administrative Unit for that portion of Edgecombe County lying within the boundaries of the Nash-Rocky Mount School Administrative Unit on a per capita basis according to the membership of each unit, and appropriated in conformity with the method set out in G.S. 115C-430 in like manner and to the same extent as if such capital outlay funds were current expense funds.

Sec. 21. (a) The City shall be authorized to appropriate to the Nash-Rocky Mount School Administrative Unit, from funds derived from sources other than ad valorem taxation, funds for the current expense and capital outlay needs of the Nash-Rocky Mount School Administrative Unit as herein provided.

(b) Beginning July 1, 1992, and for each school year thereafter, the City shall appropriate to the Nash-Rocky Mount School Administrative Unit, from funds of the City derived from sources other than ad valorem taxation, an amount equal to any current expenditure differential between Nash and Edgecombe Counties as hereinafter defined. The current expenditure differential for each school year shall be the product of the number of students attending school in the Nash-Rocky Mount School Administrative Unit who reside within that portion of the City Administrative Unit

located in the County with the lower current per pupil expenditure, multiplied by the amount which the current per pupil appropriation made by the Board of Commissioners of the county with the higher current per pupil expenditure to the Nash-Rocky Mount School Administrative Unit exceeds the current per pupil appropriation made by the county with the lower current per pupil expenditure to the Nash-Rocky Mount School Administrative Unit.

(c) The Rocky Mount City Council and the county commissioners shall each appropriate \$500,000 per year for 10 consecutive years, beginning July 1, 1992, for school capital improvements within the city of Rocky Mount. In addition, the City shall pay for the extension of all electrical, water, sewer, and natural gas lines to the property line of the Winstead Avenue school site, if such site is used for a new school building.

Sec. 22. If any section, subsection, sentence, clause, phrase, or portion of this act is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and an independent provision and such decision shall not affect the remaining portions of this act.

Sec. 23. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 24. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 25th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives