

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 707
HOUSE BILL 1017

AN ACT TO PROVIDE FOR THE MERGER OF THE LAURINBURG CITY
SCHOOL ADMINISTRATIVE UNIT AND THE SCOTLAND COUNTY
SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. The purposes of this Act, among others, are to provide an enabling Statute, in addition to other Statutes which may be available for such purposes, for the merger of the Laurinburg City School Administrative Unit and the Scotland County School Administrative Unit.

Sec. 2. The Laurinburg City Board of Education and the Scotland County Board of Education, by majority vote of the full membership of each of said Boards, may jointly petition the Scotland County Board of Commissioners for a county-wide election on the following subjects:

(a) The merger of the Laurinburg City School Administrative Unit and the Scotland County School Administrative Unit and their respective Boards of Education.

(b) The construction of a new consolidated high school to be established to serve the students assigned to Gibson High School, Laurel Hill High School, Laurinburg High School, and Wagram High School, and the issuance of bonds pursuant to the County Finance Act, as amended, for construction of said consolidated high school and for other school purposes in an amount to be determined by the Scotland County Board of Commissioners upon the recommendation of the existing City and County Boards of Education.

(c) To require the Laurinburg-Scotland County Board of Education to request and the Scotland County Board of Commissioners to appropriate annually from any local sources, including both general and supplemental tax revenues, such funds as will provide, at a minimum, current expense expenditures per student from local funds which shall be no less than the average current expense expenditures per student from local funds throughout the State, as determined by the latest certification of the State Superintendent of Public Instruction.

(d) To authorize the County Commissioners to levy a county-wide supplemental school tax not to exceed fifty cents (50¢) per one hundred dollar valuation.

Sec. 3. Upon the receipt of such petition, it shall be the duty of the Scotland County Board of Commissioners to call an election upon the foregoing subjects within sixty (60) days thereafter and fix the date for the same. The provisions of this Act,

relating to the merger of the Laurinburg City School Administrative Unit and the Scotland County School Administrative Unit, shall be contingent upon the approval, by a majority of the voters voting in a county-wide election, of all the proposals as set out in subsections (a) through (d) of Section 2 of this Act. The said election shall be conducted in accordance with the applicable provisions of the General Statutes of North Carolina.

Sec. 4. In the event of merger, the following shall apply:

(a) On the effective date of merger, as hereinafter provided, the terms of office of the members of the Scotland County Board of Education and the members of the Laurinburg City Board of Education shall terminate, regardless of whether said persons were appointed or elected to office, and each of said Boards shall, on said date, select four members from each Board who shall become members of and constitute the Laurinburg-Scotland County Board of Education and shall, as of said date, commence serving their initial terms on said Consolidated Board.

(b) Of said eight members who shall initially constitute the Laurinburg-Scotland County Board of Education, four (two members from each of said former Boards) shall serve for an initial term that shall expire the first Monday in December of 1966. The remaining four persons (two members from each of said former Boards) shall serve for an initial term that shall expire on the first Monday in December of 1968. The persons who shall serve said initial terms shall be determined by the respective Boards of Education.

(c) In the year in which the initial terms of the first four such persons referred to in subsection (b) of Section 4 above shall expire, and in each regular county-wide biennial election thereafter, four persons shall be elected for four-year terms on said Board, two of such persons to reside within the corporate limits of the Cities of Laurinburg and East Laurinburg and two of such persons to reside in Scotland County outside of said corporate limits as hereinafter provided. The result of this procedure shall be that the membership of the Board shall initially consist of eight persons, and shall thereafter consist of eight persons, four of whom shall, be elected every two (2) years to serve a term of four (4) years each. No persons shall be eligible to serve more than four successive four-year elective terms.

(d) The procedure for election of members to the Laurinburg-Scotland County Board of Education shall be as follows: At a primary election to be held in 1966 and each two (2) years thereafter at the same time as the primary for the nomination of county officers, there shall be nominated from the candidates for said Board of Education four persons who shall reside within the corporate limits of the Cities of Laurinburg and East Laurinburg and this area shall be known as the Laurinburg District, and four persons who shall reside in Scotland County outside of the Laurinburg District and this area shall be known as the Scotland District.

The Scotland District shall be subdivided into four subdistricts as follows:

Subdistrict One-Williamson Township

Subdistrict Two-Laurel Hill Township

Subdistrict Three-Spring Hill Township

Subdistrict Four-Stewartsville Township, exclusive of the Cities of Laurinburg and East Laurinburg.

At the primary and general elections in 1966 the members to be nominated and the members to be elected from the Scotland District shall be residents of the same subdistricts as the members whose initial terms are expiring, unless one such member is from the same subdistrict as another member of the initial Board, in which case one of the members to be elected shall be a resident of the subdistrict which was not represented on the initial Board. If two members from the same subdistrict of the Scotland District are selected to serve on the initial Board, it shall be mandatory that the term of one of these two members expire in December of 1966. At each election for the Scotland District thereafter the members to be elected shall be residents of the same subdistrict as the members whose terms are expiring. The four candidates receiving the largest number of votes in the primary election from the Laurinburg District shall be the nominees whose names shall be placed upon the ballot at the general election, and the two candidates receiving the largest number of votes from each subdistrict of the Scotland District open for nominations shall be the nominees whose names shall be placed upon the ballot at the general election; provided, however, that if four or less candidates should file for the Laurinburg District, and two or less candidates should file for the subdistrict of the Scotland District open for nominations, then the names of such candidates shall be placed on the ballot for the general election and there shall be no primary election for the Laurinburg District or the Scotland subdistrict.

The Board of Elections shall prepare a ballot for use in the primaries and general elections which shall be separate from other ballots and on which shall be listed by district the candidates from the Laurinburg District and by district and subdistrict the candidates from the Scotland District. The names of the candidates shall be placed on a ballot separate from other ballots, bearing no party designation, and no party affiliation need be indicated at the time of filing. Except as herein provided, all primary elections and general elections shall be held and conducted and supervised by the County Board of Elections under the laws and regulations providing for the election of county officers.

All candidates for membership on the Laurinburg-Scotland County Board of Education shall file a notice of such candidacy by 5:00 o'clock P. M. on or before the fourth Friday before the date on which the primary election is to be held and each candidate shall pay a filing fee of ten dollars (\$10.00) and in addition shall certify in writing the district for which he is filing and that he is a bona fide resident thereof, said notice to be filed with the Scotland County Board of Elections.

All persons registered and qualified to vote in the general election shall be qualified to vote in the primary. All qualified voters of Scotland County may vote in any primary or general election held pursuant to this Act, regardless of the district from which a member of said Board is to be elected.

(e) Any vacancies which may occur on the Laurinburg-Scotland County Board of Education after the initial Board has been created shall be filled by appointment by a majority of the remaining members of the Board for the unexpired term subject to the provisions of subsection (d) above and subsection (b) of Section 5.

(f) In the event no candidate is elected in the general election to fill any term which is about to expire, then and in that event, the Laurinburg-Scotland County Board of Education shall declare a vacancy, and such vacancy shall be filled in accordance with subsection (e) of Section 4 above.

Sec. 5. The following provisions shall apply in the event of merger under the plan provided for in this Act.

(a) The Consolidated Board shall be the County Board of Education in and for Scotland County and shall have county-wide jurisdiction over the public school system in Scotland County, including all municipalities located therein. The name of the Consolidated Board shall be: Laurinburg-Scotland County Board of Education.

(b) Members of the Laurinburg-Scotland County Board of Education shall be residents of Scotland County, four of said members being residents within the Laurinburg District at the time of their election and four of said members being residents of the Scotland District at the time of their election. No initial Board members shall be prohibited from holding office because such person is not a resident within the Laurinburg District or within a particular subdistrict of the Scotland District.

(c) For the fiscal year beginning July 1 immediately following merging of the two Boards of Education, if the Consolidated Board is not created in sufficient time to present its supplemental tax budget and its capital outlay, debt service and current expense budgets within the time prescribed by law for said fiscal year, then the members of the Scotland County Board of Education and the members of the Laurinburg City Board of Education, acting jointly and by a majority vote of all members present, shall determine the amount and contents of the supplemental tax budget requested for the fiscal year beginning July 1 of that year, and shall give the Scotland County Board of Commissioners due notice thereof in time to levy such taxes as may be necessary to provide funds for said budget for that year, and the said two Boards of Education, acting in like manner, shall prepare and submit to the said Board of Commissioners the capital outlay, debt service, and current expense budgets for that fiscal year within the time prescribed by law.

(d) Each year following the merging of the two Boards of Education, at the same time the other school budgets are filed, the Laurinburg-Scotland County Board of Education shall file a supplemental tax budget which, when added to the regular budget, shall provide, at a minimum, current expense expenditures per student from local funds which are no less than the average current expense expenditures per student from local funds throughout the State as determined by the latest certification of the State Superintendent of Public Instruction. The said Board of Commissioners shall approve the regular and supplemental tax budgets in the minimum amount provided for above and may approve the regular and supplemental tax budgets in larger amounts, and shall then provide the funds therefor from local funds.

(e) The Laurinburg-Scotland County Board of Education, as reorganized, shall appoint a treasurer of all the school funds of the Laurinburg-Scotland County School Administrative Unit. The treasurer so appointed shall continue to fill such position at the discretion of the 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 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 duties prescribed by applicable provisions of Chapter 115 of the General Statutes of North Carolina and shall be subject to all of such provisions of said Act. All sums appropriated by said Board of Commissioners for capital outlay, current expense and to supplement the current expense fund from State and county allotments shall be paid over to the Treasurer of the Laurinburg-Scotland County Board of Education at reasonable periods after the receipt of said funds by the Treasurer of Scotland County; provided, however, that the said Board of Commissioners shall hold and administer the proceeds of school bond sales in accordance with the procedure now being followed in holding and administering the proceeds of such sales.

(f) In addition to the election of a chairman in accordance with the provisions of Chapter 115 of the General Statutes, the Laurinburg-Scotland County Board of Education may also select one of its members as vice-chairman who shall preside at all meetings of the Board in the absence of the chairman, and whenever the Board shall have duly 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 the Board. In the event of absence or inability of both the chairman and vice-chairman, the Board by resolution duly adopted and spread upon the minutes of any meeting, may authorize any other member to execute any contract, conveyance or instrument for and on behalf of the Board.

(g) The superintendent of schools shall be ex officio secretary of the Board as provided by G. S. 115-36. The Board may elect an assistant secretary to serve at the pleasure of the Board. The assistant secretary may be, but shall not be required to be, a member of the Board. Such assistant secretary may perform the duties of the secretary of the 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 Board and it shall be the duty of such secretary or assistant secretary to furnish each member of the Board with a copy of the minutes as soon after any meeting as may be reasonably practicable.

(h) In addition to the election of a superintendent of schools in the manner provided by the general law, the Board may employ, upon recommendation of the superintendent, such associate superintendents and assistant superintendents and such other administrative officers as it may deem necessary and proper, fix their salaries' and prescribe their duties and powers. They may be elected to serve at the pleasure of the Board or 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. All principals, supervisory personnel, and teachers shall be employed by the Board, upon recommendation of the superintendent. The Board may delegate to the superintendent of schools or to one or more associate superintendents or

assistant superintendents or to other administrative officers, the authority to employ and prescribe the duties of all other employees or classes of employees, including janitors and maids, and to fix the compensation and the terms or periods for which they shall be employed, subject to the approval of the Board of Education.

(i) A majority of the full membership of the Laurinburg-Scotland County Board of Education shall constitute a quorum.

(j) The Laurinburg-Scotland County Board of Education may appoint an advisory council for any school or for all the schools within the system. The purpose and function of an advisory council shall be to serve in an advisory capacity to the Board on matters affecting the school or schools for which it is appointed. The organization, terms, composition and regulations for the operation of such advisory council shall be determined by the Board. Article 7 of Chapter 115 of the General Statutes (School Committees) shall not apply to Scotland County. The Laurinburg-Scotland County School Administrative Unit shall constitute one school unit.

(k) Title to all property of the Laurinburg City Board of Education and the Scotland County Board of Education, both real and personal, of every kind and description, shall be vested in the Laurinburg-Scotland County Board of Education as of the effective date of consolidation. The Laurinburg City Board of Education and the Scotland County Board of Education shall have full and ample authority to execute without consideration therefor or public sale of the property involved, all such deeds and other instruments as may be deemed necessary or proper to vest record title to any such property in the Laurinburg-Scotland County Board of Education.

(l) All claims and demands of every kind which the Laurinburg City Board of Education or the Scotland County Board of Education may have as of the effective date of consolidation shall pass and be transferred to the Laurinburg-Scotland County Board of Education and the Laurinburg-Scotland County Board of Education shall have the same power and authority to enforce said claims and demands as the Laurinburg City Board of Education or the Scotland County Board of Education would have had in the event of its continued existence. Any obligations or liabilities of the Laurinburg City Board of Education or the Scotland County Board of Education existing as of the effective date of consolidation, shall be and become the obligations and liabilities of the Laurinburg-Scotland County Board of Education and such obligations and liabilities may be enforced against said Laurinburg-Scotland County Board of Education to the same extent that they might have been enforced against the Laurinburg City Board of Education or the Scotland County Board of Education had the said Boards continued in existence.

(m) As of the effective date of consolidation, all provisions of the Charter of the City of Laurinburg relating to public schools shall be deemed and are hereby repealed.

Sec. 6. The provisions of this Act shall prevail over any inconsistent provisions of Chapter 115 of the General Statutes of North Carolina and other general or special Acts.

Sec. 7. The provisions in the preceding Sections of this Act shall be contingent upon the following:

(a) Approval of the following by a majority of the voters voting in said election:

- (1) Merger under the plan as set forth in this Act;
- (2) Construction of a new consolidated high school to be established to serve the students assigned to Gibson High School, Laurel Hill High School, Laurinburg High School, and Wagram High School, and the issuance of bonds pursuant to the County Finance Act, as amended, for construction of said consolidated high school and for other school purposes in an amount as determined by the Scotland County Board of Commissioners upon the recommendation of the existing City and County Boards of Education.
- (3) Requiring the Laurinburg-Scotland County Board of Education to request and the Scotland County Board of Commissioners to appropriate annually from any local sources, including both general and supplemental tax revenues, such funds as will provide, at a minimum, current expense expenditures per student from local funds which are no less than the average current expense expenditures per student from local funds throughout the State, as determined by the latest certification of the State Superintendent of Public Instruction.
- (4) Authorizing the Scotland County Board of Commissioners to levy a county-wide supplemental school tax not to exceed fifty cents (50¢) per one hundred dollar valuation.

(b) Petition by the Laurinburg City Board of Education to the Scotland County Board of Education and the State Board of Education for merger of the Laurinburg City Administrative School Unit and the Scotland County Administrative School Unit under this Act and Section 115-74 of the General Statutes of North Carolina within ninety (90) days after the announcement of a favorable vote in such election. Said petition shall specify the effective date of merger.

(c) Approval of said merger by the Scotland County Board of Education.

(d) Approval of said merger by the State Board of Education.

Sec. 8. If an election under this Act fails to carry on the subjects in Section 7 (a) (1) through (4), or if no petition for consolidation is made under Section 7 (b), or if such petition is made but not approved as required under Section 7 (c) and (d) of this Act, another election may be called, for a vote on the subjects as outlined in Section 7 (a) (1) through (4) at any time after expiration of six (6) months following the date of the next preceding election called and held under this Act.

Sec. 9. Nothing in this Act shall operate to repeal any special school tax now provided for by law for the Laurinburg City School Administrative Unit or the Scotland County School Administrative Unit unless a majority of the votes cast in said election authorizes the subjects in Section 7 (a) (1) through (4) of this Act and until the merger of the units is effected.

Sec. 10. 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 5th day of June, 1963.