

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 700
HOUSE BILL 813

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 "Combined Board" shall mean the members of the Elizabeth City City Board of Education and the members of the Pasquotank County 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 twelve (12) 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:

That portion of Nixonton Township lying outside the corporate limits of Elizabeth City shall be entitled to one (1) member; Providence Township shall be

entitled to one (1) member; Newland Township shall be entitled to one (1) member; Salem Township shall be entitled to one (1) member; Mt. Herman Township shall be entitled to one (1) member.

Elizabeth City Township and that part of Nixonton Township lying within the corporate limits of Elizabeth City shall be entitled to seven (7) members.

Sec. 3. At the time of the primary and election of State and County officers for the year 1966, there shall be nominated and elected twelve (12) 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 candidate 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 twelve candidates receiving the highest number of votes 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. The three candidates receiving the highest number of votes county-wide in the Elizabeth City Administrative Unit and the three candidates in the Pasquotank County Administrative Unit receiving the highest number of votes county-wide shall hold office for terms of four (4) years and the remaining six candidates shall hold office for terms of two (2) years. 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 four (4) years. The members of said Board nominated and elected in the primary and general election of 1966 shall take office on the first Monday in December, 1966, 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 for the complete unexpired term. The Elizabeth City-Pasquotank Board of Education shall elect a chairman and vice-chairman to preside over its meetings, and the vice-chairman may preside in the absence of the chairman. The chairman and 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 combined Board shall on the first Monday of the month following the certification of, the results of the special election or referendum 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. In the event a majority of the electors of Pasquotank County voting in an election or referendum which shall be held at the time of the general election for State and County officers in the year 1964 shall approve the provisions of this Act, then the Combined Board shall assume authority and shall control, operate and administer public schools of Pasquotank County, including the schools located in the City Administrative Unit, and shall begin such public school administration on the first Monday in December, 1964. The Combined 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 Combined 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 Combined Board but shall have no authority to vote to create a tie and then again vote to break the tie, The Combined 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 Combined Board shall expend all funds in conformity with the approved budgets, and in the event of a disagreement between the Combined 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 Combined 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 Combined 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 Combined Board. The Combined 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 Combined 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, 1966, 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 on the City Board 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. 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. Notwithstanding 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 the 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 the first Monday in December, 1966. The City Board and the County Board shall have full and ample authority prior to the first Monday of December, 1966, 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 the first Monday in December, 1966, 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 the first Monday in December, 1966, 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 Monday in December, 1966, 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 the first Monday in December, 1966.

Sec. 10. All funds or moneys now being paid to either the City Board or the County Board by the Alcoholic Board of Control shall be paid to the Combined Board when it assumes authority or control of the public schools as provided by this Act, and on and after the first Monday in December, 1966, all funds derived from the Alcoholic Board of Control for school purposes shall be paid to the Elizabeth City-Pasquotank Board of Education. In the event that the General Assembly of 1963 shall enact any law providing that State bonds shall be issued for public school purposes and such bonds are approved and sold, then the proceeds of such bond issue that are allocated by said law to the City Board and the County Board shall be received by said City Board and County Board and deposited in escrow until the results of any election or referendum for the approval of this Act shall be determined. Such funds, however, while being held in escrow may be invested by the City Board and County Board as provided by G. S. 115-80.3. If this Act is approved by referendum the said funds shall be paid to the proper officer or agency for the use of the Combined Board or the Elizabeth City-Pasquotank Board of Education.

Sec. 11. The Board of Commissioners may, in its discretion, at any time prior to sixty (60) days before the general election to be held for State and County officers in the year 1964, call a special election or referendum on such date and at such time as shall be designated by the Board of Commissioners on the question of the approval of

this Act. If no special election or referendum is called, then an election or referendum on the question of the approval of this Act shall be held in Pasquotank County at the general election for State and County officers in the year 1964. In the event a special election or referendum is called by the Board of Commissioners 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 or at any election or referendum held at the time of the election of State and County officers in the year 1964, 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 twelve cents (12¢) on the one hundred dollars (\$100.00) valuation. The ballot at such special election or referendum or at such election or referendum held at the time of the general election of State and County officers in 1964, as the case may be, 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 of the public schools in Pasquotank County and a supplemental school tax throughout Pasquotank County not to exceed twelve cents (12¢) on the one hundred dollars (\$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 of the public schools in Pasquotank County and a supplemental school tax throughout Pasquotank County not to exceed twelve cents (12¢) on the one hundred dollars (\$100.00) valuation."

If at such election or referendum whether the same be a special election or referendum or whether the same be held at the time of the general election in 1964, 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 twelve cents (12¢) on the one hundred dollars (\$100.00) valuation, the preceding Sections of this Act shall be operative as of the first Monday of the month 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. 12. All general or public laws inconsistent with and in conflict with this Act are hereby repealed.

Sec. 13, All Special, Local, Public-Local or Private Laws inconsistent with and in conflict with this Act are hereby repealed.

Sec. 14. 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 provision adjudged unconstitutional or invalid.

Sec. 15. 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.