

NORTH CAROLINA GENERAL ASSEMBLY
1959 SESSION

CHAPTER 1040
SENATE BILL 382

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ALEXANDER COUNTY TO SUBMIT TO THE QUALIFIED ELECTORS OF SAID COUNTY THE QUESTION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF EXTENDING WATER AND SEWAGE FACILITIES ON A RENTAL BASIS TO COMMUNITIES AND INDUSTRIES IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any constitutional limitation or limitation provided by any general or special law, and notwithstanding any limitations as to net indebtedness, the Board of County Commissioners of Alexander County is hereby authorized and empowered, in its discretion, to authorize the issuance of bonds of said county, in accordance with the provisions of the County Finance Act, as amended, and the Local Government Act, as amended, except for the provisions as to net indebtedness, for the purpose of extending and providing water and sewage facilities on a rental basis to communities and industries in Alexander County, such as in the opinion of the Board of Commissioners of Alexander County will best serve the purpose of promoting health and sanitation in such communities or in communities in, around and near to industries in said county, and for the further purpose of furnishing a water supply and/or water and sewage to any of the public schools in Alexander County. The order, adopted pursuant to the County Finance Act, except as otherwise provided to authorize said bonds, shall take effect when approved by a majority of the qualified electors of Alexander County, such majority to be a majority of those voting in an election as provided in the County Finance Act. The said Board of Commissioners of Alexander County may submit said question in a general election or in a special election called for such purpose, and such special election shall be called, held, conducted, and the results thereof canvassed and determined in accordance with the County Finance Act and in the same manner as elections held under Article 9 of Chapter 153 of the General Statutes, as amended.

Sec. 2. That at the same time the said Board of Commissioners of Alexander County, and along with the question of issuing bonds in such amount and denominations as the board of commissioners may determine, there shall be submitted the question of levying a sufficient tax for the purpose of paying off and discharging said bonds and the interest which may accrue thereon should a majority of the qualified electors of Alexander County voting in said election approve the order authorizing said bonds and in favor of issuing said bonds. The form of the question shall be printed on a

ballot furnished to each qualified voter at said election and shall be in substantially these words: "For the issuance of one and one-half million dollar-water and sewage bonds for the purpose of extending same to communities and industries in Alexander County on a rental basis; for the further purpose of furnishing water supply and/or water and sewage to any public school in Alexander County, and for the levying of a sufficient tax for the payment of the principal and interest thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed upon one ballot containing squares opposite the affirmative and negative forms, in one of which squares the voter may make an (X) mark.

Sec. 3. The Board of County Commissioners of Alexander County shall determine the amount of bonds to be voted upon according to its bond order, and if a majority of the qualified voters voting in said election favor the issuance of said bonds the said Board of County Commissioners of Alexander County is hereby authorized, in its discretion, to do any and all things necessary and to apply the proceeds of said bond issue for the purpose of providing water and sewage facilities on a rental basis to communities and industries in said county; also for the further purpose of furnishing water supply and/or water and sewage to any of the public schools in Alexander County, and said bonds when issued shall have the full faith and credit of said county which shall be deemed to be pledged for the punctual payment of the principal and interest on every bond issue by virtue hereof; and the Board of Commissioners of Alexander County shall annually levy and collect a tax ad valorem on all the taxable property in the county sufficient to pay the principal and interest on all bonds issued under this Act. The said election may be held at any time fixed by the governing body of the municipality, and if submitted in a special election the same shall not be governed by any limitations of time before or subsequent to any general election.

Sec. 4. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings in connection therewith, or the right or duty to levy sufficient tax for the payment of the principal and interest of such bonds, shall 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 results as provided under the law under which said election is held. The special tax authorized herein, should said bond order be approved in such election, shall be in addition to all other taxes authorized to be levied in said county and shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds.

Sec. 5. The powers granted under this Act shall be in addition to and not in substitute for powers granted under any other laws.

Sec. 6. 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 17th day of June, 1959.