

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 612*

Short Title: Nash/Rocky Mount School Merger.

(Local)

Sponsors: Senator Martin of Pitt.

Referred to: Passed 1st Reading; Tabled; Reconsideration; Tabled.

April 22, 1991

A BILL TO BE ENTITLED

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. 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 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 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 Nash County and the City of Rocky Mount, including those schools now operated and

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1 administered by the city board and now operated and administered by
2 the county board.

3 (8) The term "Nash-Rocky Mount Board of Education" means the single
4 administrative body elected pursuant to this act for the purpose of
5 operating and administering all of the public schools of Nash County
6 and the City of Rocky Mount, including those schools now operated
7 and administered by the city board and now operated and administered
8 by the county board.

9 Sec. 2. The county administrative unit and the city administrative unit
10 (including that portion of the existing city administrative unit located in Edgecombe
11 County) are hereby merged and consolidated into a single school administrative unit to
12 be known as the "Nash-Rocky Mount School Administrative Unit."

13 Sec. 3. The effective date of the merger of the county administrative unit and
14 the city administrative unit shall be July 1, 1992.

15 Sec. 4. The Nash-Rocky Mount Board of Education shall operate and
16 administer all of the public schools in the Nash-Rocky Mount School Administrative
17 Unit.

18 Sec. 5. The Interim Board shall be elected as a body politic and from and
19 after the date it takes office shall assume the authority and responsibility for planning
20 for the operation and administration of all public schools located in the Nash-Rocky
21 Mount School Administrative Unit. The Interim Board shall prepare and submit to the
22 State Board of Education the written plan of merger and consolidation provided for
23 herein. The Interim Board shall meet within 15 days after it takes office for the purpose
24 of organizing and shall elect a chairman to preside over its meetings. All vacancies
25 occurring in the membership of the Interim Board for whatever reason shall be filled by
26 the remaining members of said board by appointing a member from the voting district in
27 which the vacancy occurred. For the purposes for which the Interim Board is hereby
28 established, it shall have all statutory powers to prepare and submit to the county
29 commissioners all necessary budgets including supplemental budgets. The Interim
30 Board shall expend all funds in conformity with approved budgets.

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

36 Sec. 6. The Interim Board shall consist of 11 members elected from 11
37 single-member districts by the registered voters of each respective district. No person
38 shall be eligible to file for, or be elected to, the Interim Board or to serve thereon unless
39 he or she is a qualified voter and resident of the district from which such person seeks to
40 be elected.

41 Sec. 7. On or before July 1, 1991, the county commissioners and Rocky
42 Mount City Council shall jointly by resolution adopted by each board establish 11
43 voting districts in the Nash-Rocky Mount School Administrative Unit for the purpose of
44 electing a school board member from each voting district. The districts shall be

1 numbered one through 11 and shall have as nearly as possible an equal population. The
2 office of the Nash County Board of Elections and the Edgecombe County Board of
3 Elections shall provide administrative staff and assistance to the county commissioners
4 in establishing the aforesaid school board voting districts.

5 Sec. 8. (a) The 11 members of the Interim Board shall be elected on a
6 nonpartisan basis at a special election conducted by the Nash County Board of Elections
7 to be held on the first Tuesday 75 days after the date the 11 voting district boundaries
8 are precleared pursuant to Section 5 of the Voting Rights Act, and the runoff election, if
9 required, shall be held on the third Tuesday following the special election. If a runoff
10 election is required, absentee voting shall begin as soon as practicable under a timetable
11 established jointly by the Nash County Board of Elections and the Edgecombe County
12 Board of Elections. The Interim Board shall take office on the fourth Tuesday
13 following the special election. All members of the county board and the city board
14 holding office on the date this act is precleared shall be eligible to run for, be elected to,
15 and serve on the Interim Board and the Nash-Rocky Mount Board of Education without
16 resigning their former office.

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

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

24 Sec. 9. (a) At the special election hereinabove provided, the Interim Board
25 shall be elected as follows:

- 26 (1) Seat 1 shall be filled by that person elected from District 1;
- 27 (2) Seat 2 shall be filled by that person elected from District 2;
- 28 (3) Seat 3 shall be filled by that person elected from District 3;
- 29 (4) Seat 4 shall be filled by that person elected from District 4;
- 30 (5) Seat 5 shall be filled by that person elected from District 5;
- 31 (6) Seat 6 shall be filled by that person elected from District 6;
- 32 (7) Seat 7 shall be filled by that person elected from District 7;
- 33 (8) Seat 8 shall be filled by that person elected from District 8;
- 34 (9) Seat 9 shall be filled by that person elected from District 9;
- 35 (10) Seat 10 shall be filled by that person elected from District 10;
- 36 (11) Seat 11 shall be filled by that person elected from District 11.

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

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

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

3 (1) The terms of office for Seats 1, 3, 5, 7, 9, and 11 shall expire on the
4 first Monday in December of 1994;

5 (2) The terms of office for Seats 2, 4, 6, 8, and 10 shall expire on the first
6 Monday in December of 1996.

7 Sec. 11. (a) In the year 1994, and each two years thereafter, the members of the
8 Nash-Rocky Mount Board of Education shall be elected on a nonpartisan basis as
9 provided in Chapter 115C and Chapter 163 of the General Statutes.

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

14 (c) Beginning in November 1994 and each two years thereafter, the vacancies
15 occurring in the membership of the Nash-Rocky Mount Board of Education shall be
16 filled by elections as the said terms of the members expire, and all members so elected
17 shall hold office for terms of four years. The members of the Nash-Rocky Mount Board
18 of Education elected shall take office on the first Monday in December following their
19 election, and the terms of their office shall date and extend from that time.

20 Sec. 12. The Nash-Rocky Mount Board of Education, by a majority vote of
21 all members present, shall elect a chairman to preside at meetings and a vice-chairman
22 to preside at meetings in the absence of the chairman; the chairman and the vice-
23 chairman shall have a vote on all matters considered by the Nash-Rocky Mount Board
24 of Education. All vacancies occurring in the membership of the Nash-Rocky Mount
25 Board of Education by reason of death, resignation, removal of residence from the
26 district from which elected or for any cause whatsoever, shall be filled by the remaining
27 members of said board by appointing a member from the voting district created by the
28 vacancy for the unexpired term. The Nash-Rocky Mount Board of Education shall have
29 all power and authority as a board of education as herein conferred by the General
30 Statutes on boards of education in general.

31 Sec. 13. From the date that the Interim Board takes office and until July 1,
32 1992, the city board and the county board shall continue to exercise all powers and
33 authority with respect to the administration and operation of all existing schools in the
34 administrative unit of each respective board of education, together with all other powers
35 conferred by law except those which are specifically given to the Interim Board.

36 The financial administration of the existing city board and the existing county
37 board until terminated as herein provided shall be governed by the provisions of the
38 General Statutes, except that the Interim Board shall have specific authority from the
39 date of its election to June 30, 1992, to prepare and submit to the county commissioners
40 all necessary budgets, including supplemental budgets, and at the time required by law
41 to prepare and submit to the county commissioners all necessary capital outlay, debt
42 service, and current expense budgets for school purposes, all for and in behalf of the
43 Nash-Rocky Mount Board of Education, notwithstanding the fact that the Nash-Rocky
44 Mount Board of Education shall not assume responsibility for operating and

1 administering the public school in the Nash-Rocky Mount School Administrative Unit
2 until July 1, 1992.

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

5 Sec. 15. As of July 1, 1992, when the Nash-Rocky Mount Board of
6 Education assumes all of the authority of the administering and operating all schools in
7 the existing city administrative unit and the existing county administrative unit, all
8 authority and power of the Interim Board, the city board and the county board shall
9 cease and terminate and the same shall be vested in the Nash-Rocky Mount Board of
10 Education which shall control, administer, and operate all of the public schools located
11 in the Nash-Rocky Mount School Administrative Unit.

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

- 18 (1) The power, authority, and duties of the Nash-Rocky Mount Board of
19 Education with respect to the employment of personnel, the
20 preparation of budgets, and any other related matters which may be
21 particularly applicable to the Nash-Rocky Mount School
22 Administrative Unit not inconsistent with the General Statutes.
- 23 (2) The transfer of all facilities, properties, structures, funds, contracts,
24 deeds, titles, and other obligations, assets, and liabilities from the
25 county board, the city board, and the Interim Board to the Nash-Rocky
26 Mount Board of Education.
- 27 (3) The compensation to be paid to the members of the board for expenses
28 incurred in the performance of their duties.
- 29 (4) A public hearing, which shall have been announced at least 10 days
30 prior to the hearing, on the plan of merger.
- 31 (5) Any other condition or prerequisite to merger, together with any other
32 appropriate subject or function that may be necessary for the orderly
33 consolidation and merger of the county administrative unit and the city
34 administrative unit.

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

40 No plan of merger and consolidation shall become effective until approval is
41 granted by the State Board. Upon approval of the State Board of Education, the plan of
42 merger and consolidation shall become final and shall be deemed to have been made by
43 authority of law and shall not be changed or amended except by an act of the General

1 Assembly. The approved written plan shall be placed in the custody of the Nash-Rocky
2 Mount Board of Education and a copy filed with the Secretary of State.

3 Sec. 17. (a) The student enrollment in the following schools shall comply with
4 the racial balance objectives set forth in this section: All schools in the city
5 administrative unit; Benvenue, Coopers, Hubbard, Nashville, Red Oak, and Williford
6 Elementary Schools, Central, Benvenue, and Green Middle Schools, and Northern Nash
7 High School in the county administrative unit; and any other school which may in the
8 future serve pupils residing in the attendance areas currently served by any of these
9 schools including the new Winstead Avenue School.

10 (b) The racial balance objectives of each school shall be determined by
11 comparing its minority student enrollment percentage with the combined minority
12 student enrollment percentage of all schools in the Nash-Rocky Mount School
13 Administrative Unit serving the same grade levels, either elementary, middle (or junior
14 high), or high schools.

15 (c) The Interim Board and the Nash-Rocky Mount Board of Education shall
16 make their best efforts to achieve a racial balance in each school designated in
17 subsection (a) of this section within plus or minus 12 percentage points of the combined
18 minority student enrollment at those schools serving its same grade level as described in
19 subsection (b). A school will be considered to be in substantial compliance with the
20 racial balance objectives of this section if after four years from the effective date of the
21 merger its racial balance is plus or minus 18 percentage points of the combined minority
22 student enrollment of those schools serving its same grade level as described in
23 subsection (b).

24 Sec. 18. Upon approval of the plan of consolidation and merger by the State
25 Board and as of July 1, 1992, the title to all property of the city board and the county
26 board and the Interim Board, both real and personal of every kind and description, shall
27 be vested in the Nash-Rocky Mount Board of Education; and the city board and the
28 county board and the Interim Board shall execute all deeds and other instruments of
29 conveyance as may be necessary and appropriate to vest recorded title to any property
30 held by them in and to the Nash-Rocky Mount Board of Education on or before July 1,
31 1992; provided, however, that any real property owned by the city board, the county
32 board, or the Interim Board that is not designated for occupancy and use by the Nash-
33 Rocky Mount School Administrative Unit prior to December 31, 1992, in the approved
34 plan of consolidation and merger may be conveyed by the board which owns such
35 property to any other unit of local government, with or without consideration, or
36 disposed of in the manner provided by law if done prior to June 30, 1992. All claims
37 and demands of every kind which the city board and the county board and the Interim
38 Board may have as of July 1, 1992, shall pass and be transferred to the Nash-Rocky
39 Mount Board of Education, and said board of education shall have the same powers and
40 authority to enforce said claims and demands as the county board and the city board and
41 the Interim Board would have had in the event of their continued existence. Any
42 obligations and liabilities of the city board and the county board and the Interim Board
43 existing as of July 1, 1992, shall become the obligations and liabilities of the Nash-
44 Rocky Mount Board of Education as of July 1, 1992, and such obligations and liabilities

1 may be enforced against the Nash-Rocky Mount Board of Education thereafter to the
2 same extent that they might have been enforced against the existing boards had they
3 continued in existence.

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

8 Sec. 20. Beginning July 1, 1992, and for each school year thereafter the
9 county commissioners of Edgecombe County shall appropriate to the Nash-Rocky
10 Mount School Administrative Unit local current expense funds as provided by G.S.
11 115C-430. In addition, beginning July 1, 1992, and for each school year thereafter, all
12 capital outlay funds coming into the possession of the county commissioners of
13 Edgecombe County, whether such funds be derived from taxation, the proceeds of
14 bonds or notes, appropriations from profits of the Alcoholic Beverage Control Stores,
15 loans or grants from the State or federal governments, or any agency or subdivision
16 thereof, or from any other source whatsoever, shall be apportioned between the school
17 administrative unit or units serving that portion of Edgecombe County lying outside of
18 the boundaries of the Nash-Rocky Mount School Administrative Unit and the Nash-
19 Rocky Mount School Administrative Unit for that portion of Edgecombe County lying
20 within the boundaries of the Nash-Rocky Mount School Administrative Unit on a per
21 capita basis according to the membership of each unit, and appropriated in conformity
22 with the method set out in G.S. 115C-430 in like manner and to the same extent as if
23 such capital outlay funds were current expense funds.

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

28 (b) Beginning July 1, 1992, and for each school year thereafter, the City shall
29 appropriate to the Nash-Rocky Mount School Administrative Unit, from funds of the
30 City derived from sources other than ad valorem taxation, an amount equal to the
31 current expenditure differential between Nash and Edgecombe Counties as hereinafter
32 defined. The current expenditure differential for each school year shall be the product
33 of the number of students attending school in the Nash-Rocky Mount Administrative
34 Unit who reside within that portion of the City located in Edgecombe County,
35 multiplied by the amount which the current per pupil appropriation made by Nash
36 County Board of Commissioners to the Nash-Rocky Mount School Administrative Unit
37 exceeds the current per pupil appropriation made by Edgecombe County Board of
38 Commissioners to the Nash-Rocky Mount School Administrative Unit.

39 (c) In addition to the current expenditure differential payment provided for
40 herein, the City shall contribute to the construction cost of a new school to be
41 constructed on property located on Winstead Avenue in the City to be conveyed to the
42 Nash-Rocky Mount School Administrative Unit as provided herein. The City shall pay
43 to the Nash-Rocky Mount School Administrative Unit from funds of the City derived
44 from sources other than ad valorem taxation the sum of one million five hundred

1 thousand dollars (\$1,500,000) in three equal annual installments of five hundred
2 thousand dollars (\$500,000) each beginning July 1, 1992. The county commissioners
3 shall likewise pay the Nash-Rocky Mount School Administrative Unit the sum of one
4 million five hundred thousand dollars (\$1,500,000) in three equal annual installments of
5 five hundred thousand dollars (\$500,000) each beginning July 1, 1992. All such funds
6 shall be held in a separate school construction account. Beginning July 1, 1995, the
7 City shall pay to the Nash-Rocky Mount School Administrative Unit from funds of the
8 City derived from sources other than ad valorem taxation one-half of the annual
9 financing cost, up to a maximum of five hundred thousand dollars (\$500,000) per year,
10 of the construction cost of the Winstead Avenue School. In addition, the City shall pay
11 for the extension of all electrical, water, sewer, and natural gas lines to the property line
12 of the Winstead Avenue school site.

13 Sec. 22. The purpose of this act is to provide for the merger and
14 consolidation of the city board and the county board.

15 Sec. 23. If any section, subsection, sentence, clause, phrase, or portion of this
16 act is for any reason held invalid or unconstitutional by any court of competent
17 jurisdiction, such portion shall be deemed separate, distinct, and an independent
18 provision and such decision shall not affect the remaining portions of this act.

19 Sec. 24. All laws and clauses of laws in conflict with this act are hereby
20 repealed.

21 Sec. 25. This act is effective upon ratification.