

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 775
HOUSE BILL 949

AN ACT TO PROVIDE FOR THE REORGANIZATION OF THE GRANVILLE COUNTY BOARD OF EDUCATION, THE NOMINATION AND ELECTION OF ITS MEMBERS, TO DEFINE IN PART THEIR POWERS AND AUTHORITY AND TO REPEAL ALL PUBLIC, PUBLIC-LOCAL AND PRIVATE LAWS IN CONFLICT WITH THIS ACT.

The General Assembly of North Carolina do enact:

Section 1. The purposes of this Act, among others, are to continue the existence of the Granville County Board of Education and to provide for the merger of the Oxford City Board of Education into said Granville County Board of Education. For the purposes of this Act, and unless otherwise required by the context, the terms or words "Oxford City Board of Education" or "City Board" shall also mean the public school city administrative unit of Oxford, and shall also mean "The Board of Trustees of the Oxford City Administrative Unit".

Sec. 2. The newly constituted Granville County Board of Education shall consist of seven members, three of whom shall be residents of the Oxford Township, Granville County, North Carolina. One member shall be a resident of the Fishing Creek-Brassfield Townships, one shall be a resident of the Salem-Sassafras Fork Townships, one shall be a resident of the Dutchville-Tally Ho Townships, and one shall be a resident of the Walnut Grove-Oak Hill Townships of said County and State. The members of the newly constituted Granville County Board of Education shall take office on the 1st day of July, 1963, and shall serve the terms of office as such board members as hereinafter set forth.

Sec. 3. Sometime between the 1st day of January, 1962, and July 1, 1962, the Granville County Board of Education shall appoint two members from its then constituted membership to be members of the newly constituted Granville County Board of Education. One of such members so appointed shall serve a term on the newly constituted Granville County Board of Education beginning July 1, 1963, and ending on the 1st Monday in December of 1964; the other member so appointed shall serve such a term beginning on July 1, 1963, and ending on the 1st Monday in December of 1966; the said Granville County Board of Education in so appointing the two said members, as above set forth, shall designate which member shall serve for the term ending on the 1st Monday in December of 1964 and which member shall serve a term ending on the 1st Monday in December of 1966. At a similar time, the Oxford City Board of Education shall appoint two members from its then constituted membership who live within

Oxford Township to be members of the newly constituted Granville County Board of Education. One of such members so appointed shall serve a term on the newly constituted Granville County Board of Education beginning July 1, 1963, and ending on the 1st Monday in December of 1964; the other member so appointed shall serve such a term beginning on July 1, 1963, and ending on the 1st Monday in December of 1966; the said Oxford City Board of Education in so appointing the two said members, as above set forth, shall designate which member shall serve for the term ending on the 1st Monday in December of 1964 and which member shall serve the term ending on the 1st Monday in December of 1966.

Sec. 4. At the time of the primaries for nomination of State officers in 1962, one person shall be elected to the newly constituted Granville County Board of Education from the Oxford Township, and two persons shall be elected from the two dual township areas from which members have not been appointed by the said Granville County Board of Education, as above set forth. Such members so elected shall serve for a term beginning July 1, 1963, and ending on the 1st Monday in December of 1968. The members so appointed or elected as above set forth who shall constitute the initial membership of the newly constituted Granville County Board of Education shall qualify by taking the oath of office on the 1st day of July, 1963. Biennially thereafter at the time of the primaries for nomination of State officers, members of the Granville County Board of Education shall be elected for a term of six years to fill the terms of those members so appointed or elected as above set forth whose terms end on the 1st Monday of December following such primaries.

The names of the candidates shall be placed on a separate ballot bearing no party designation and no party affiliation need be indicated at the time of filing. Candidates shall file by 6:00 P. M. on or before the sixth Saturday before the date on which the election is to be held and each candidate shall pay a filing fee of five dollars (\$5.00). The persons elected, except those three elected in 1962, shall qualify by taking the oath of office on the 1st Monday in December next succeeding their election and shall hold office for a term of six years and until their successors are elected and qualified.

Sec. 5. In the event of a vacancy occurring on the Board other than by expiration of a term, the Board shall select a replacement from the Oxford Township or the dual township area from which the vacancy occurred, to serve until the 1st Monday in December which follows the last day for filing for the next regular biennial election. At the next regular biennial election (the last filing date for which had not passed prior to the occurrence of the vacancy), a person from the Oxford Township or dual township area from which the vacancy occurred shall be elected to fill the unexpired term.

Sec. 6. Election to the newly constituted Granville County Board of Education shall be determined by a majority of the votes cast throughout Granville County. If there should be more candidates from Oxford Township, or any of the other dual township areas, than there are places to be filled, then the majority within the meaning of this Section shall be ascertained by dividing the total vote cast for all of such candidates by the number of places to be filled and then dividing by two. Any excess of the sum so ascertained shall be the majority within the meaning of this Section. If in ascertaining the result in this way it appears that more candidates have

obtained this majority than there are places to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared elected. Where candidates do not receive a majority as defined and set out in this Section, those candidates equal in number to the places to be filled and having the highest number of votes shall be declared elected unless a second election shall be demanded, which may be done by anyone or all of the candidates equal in number to the places remaining to be filled and having the second highest number of votes. When any one or all of such candidates in the group receiving the second highest number of votes demand a second election (within the time allowed for demanding a second primary under the general law dealing with nomination of State officers), such second election shall be held and the names of all those candidates receiving the highest number of votes and all those in the group receiving the second highest number of votes and demanding a second election shall be put on the ballot for such second election. In no case shall there be a third election but the candidates receiving the highest number of votes in the second election shall be elected. In the event of a second election, it shall be held at the time that the second primary would be held under the general law dealing with nomination of State officers.

Sec. 7. For the fiscal year ending July 1, 1963, the members of the Granville County Board of Education and the members of the Oxford City Board of Education, acting jointly and by a majority vote of all members present, shall determine the amount and contents of the supplemental budget requested for the fiscal year beginning July 1, 1963, and shall give the Board of Commissioners of Granville County due notice thereof in time to include said tax with all other taxes to be levied by said Board of Commissioners for the year 1963, 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 the fiscal year of 1963 within the time prescribed by law. The Board of Commissioners of Granville County may approve or disapprove the supplemental budget in whole or in part and shall levy such taxes as 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 of Granville County. In the event of a disagreement between the Granville County Board of Education and the Oxford City Board of Education acting jointly, on the one hand, and the Board of Commissioners of Granville County, on the other hand, as to the amount of the supplemental tax levy to be made, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina, Section 115-87 and Section 115-88.

Sec. 8. In 1964 and in each subsequent year, at the same time the other budgets are filed, the Granville County Board of Education shall file a supplemental budget and request that a sufficient levy be made by the Board of Commissioners of Granville County on all taxable property located within said County not to exceed the rate voted by the people in said County. The Board of Commissioners of Granville County may approve or disapprove the supplemental budget in whole or in part, and shall levy such taxes as 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 of Granville County. In the event of a disagreement between the Granville County Board of Education and the Board of Commissioners of Granville County as to the amount of the supplemental tax levy to be made, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina, Section 115-87 and Section 115-88.

Sec. 9. The Granville County Board of Education, as reorganized, shall appoint a treasurer of all the school funds of the Granville County School Administrative Unit. The treasurer so appointed shall continue to fill such position at the will of the Board of Education. No persons 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 the 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 Granville County Board of Education at reasonable periods after the receipt of said funds by the Auditor of Granville County; provided, however, that the Board of County 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.

Sec. 10. Notwithstanding the provisions of Section 50 of Chapter 115 of the General Statutes, 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.

Sec. 11. In addition to the election of a chairman, in accordance with the provisions of Chapter 115 of the General Statutes, the 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 other instrument for and on behalf of the Board.

Sec. 12. The superintendent of schools shall be ex officio secretary of the Board as provided by G. S. 115-56. 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.

Sec. 13. In addition to the election of a superintendent of schools in the manner provided by the general law, the 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 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. 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. 14. The presence of four members at any meeting of the newly constituted Granville County Board of Education shall constitute a quorum.

Sec. 15. The Granville County Board of Education as reorganized may appoint school committees for some or all of the districts within the County in accordance with the provisions of the general 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. 16. Title to all property of the Oxford City Board of Education, both real and personal, of every kind and description, shall be vested in the Granville County Board of Education as of the 1st day of July, 1963. The Oxford City Board of Education shall have full and ample authority prior to the 1st day of July, 1963, to execute all such deeds and other writings as may be deemed necessary to vest record title to any such property in the Granville County Board of Education.

Sec. 17. All claims and demands of every kind which the Oxford City Board of Education may have as of the 1st day of July, 1963, shall pass and be transferred to the Granville County Board of Education and said County Board of Education shall have the same power and authority to enforce said claims and demands as said City Board of Education would have had in the event of its continuing existence. Any obligations or liabilities of the Oxford City Board of Education existing as of the 1st day of July, 1963, shall be and become the obligations and liabilities of the Granville County Board of Education and such obligations and liabilities may be enforced against said Granville County Board of Education to the same extent that they might have been

enforced against said City Board of Education had the City Board continued in existence.

Sec. 18. All unexpended taxes collected by the Auditor of Granville County on account of school supplement levies made within the Oxford School District prior to the fiscal year of 1963 shall be paid by the said auditor to the Treasurer of the Granville County Board of Education on or before August 1, 1963.

Sec. 19. All general or public laws inconsistent with and in conflict with this Act are hereby repealed.

Sec. 20. All Special, Local, Public-Local or Private Laws inconsistent with and in conflict with this Act are hereby repealed.

Sec. 21. At a special election to be held in Granville County on such date and at such time as shall be designated by the Granville County Board of Commissioners, or at any general election held in Granville County subsequent to the effective date of this Act, there shall be submitted to the vote of the people of Granville County the question of a merger of the Granville County Board of Education and the Oxford City Board of Education and for providing a supplemental school tax throughout Granville County not to exceed fifteen cents (15¢) on the one hundred dollar (\$100.00) valuation. The ballot at such special election shall contain the following: "FOR merger of the Granville County Board of Education and the Oxford City Board of Education and a supplemental school tax throughout Granville County not to exceed fifteen cents (15¢) on the one hundred dollar (\$100.00) valuation". "AGAINST merger of the Granville County Board of Education and the Oxford City Board of Education and a supplemental school tax throughout Granville County not to exceed fifteen cents (15¢) on the one hundred dollar (\$100.00) valuation."

If at such special election to be held in Granville County, North Carolina, the majority of the votes cast favors such merger of the two said Boards of Education and a supplemental school tax not to exceed fifteen cents (15¢) on the one hundred dollar (\$100.00) valuation, the preceding Sections of this Act shall become operative as of the 1st day of July, 1963, 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 on the same date. If the majority of the votes so cast at said special election is against such merger and such supplemental school tax, then in such event, the preceding Sections of this Act shall not become operative.

The provisions of G. S. 115-116 (g) and other provisions of Article 14, Chapter 115 of the General Statutes, dealing with elections and related matters, shall be applicable insofar as they are not inconsistent with the provisions of this Act.

Sec. 22. 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. 23. 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 13th day of June, 1961.