

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 112
SENATE BILL 100

AN ACT TO PROVIDE FOR THE CONSOLIDATION OF THE WINSTON-SALEM
CITY BOARD OF EDUCATION AND THE FORSYTH COUNTY BOARD OF
EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The purpose of this Act is to provide an enabling statute, in addition to other statutes which may be available for such purpose, for the consolidation of the Winston-Salem City Board of Education and the Forsyth County Board of Education. Consolidation under this Act may be effected under any of the plans hereinafter set forth.

Sec. 2. The Winston-Salem City Board of Education and the Forsyth County Board of Education, by majority vote of the full membership of each of said boards, may jointly petition the Board of Commissioners of Forsyth County for a county-wide election on the question of consolidation under any of the plans hereinafter set forth and on the question of a supplemental tax at such rate as said boards shall fix within the maximum rate allowed by law. Upon receipt of such petition, it shall be the duty of the Board of Commissioners of Forsyth County to call an election and fix the date for the same.

(a) Consolidation Under Plan I (Appointed Board – Subject to being changed to Elected Board)

In the event of consolidation under Plan I, the following shall apply:

(1) On the effective date of consolidation, as hereinafter provided, the terms of office of the five persons then constituting the Forsyth County Board of Education and of the seven persons then constituting the Winston-Salem City Board of Education shall terminate, regardless of whether said persons were appointed or elected to office, and each of said persons shall, on said date, automatically become members of and shall constitute the Winston-Salem/Forsyth County Board of Education and shall, as of said date, commence serving their initial terms on said board.

Any vacancies existing on the Winston-Salem City Board of Education on the effective date of consolidation, immediately preceding consolidation, shall be filled by appointment by the Board of Aldermen of the City of Winston-Salem as soon after consolidation as practicable, and any vacancies existing on the Forsyth County Board of Education at said time shall be filled by appointment by the Board of Commissioners of Forsyth County as soon after consolidation as practicable. Persons so appointed shall serve for one of the initial terms as hereinafter provided.

(2) Of said twelve persons who shall initially constitute the Winston-Salem/Forsyth County Board of Education, three shall serve for an initial term of one year, three shall serve for an initial term of two years, three shall serve for an initial term of three years and three shall serve for an initial term of four years. Such initial terms shall be determined by the drawing of lots and shall run from the effective date of consolidation. Following the aforesaid initial terms, the regular term of office for all members of the Winston-Salem/Forsyth County Board of Education shall be four years. No person shall be eligible to serve more than eight successive years.

(3) At the end of each of the first four years following the effective date of consolidation, the number of members constituting the Winston-Salem/Forsyth County Board of Education shall be reduced by one. Only two persons shall be appointed to take the place of the three whose terms expire at the end of each of said years. Thus shall the membership of the board be reduced to eight persons, which number shall constitute the full membership of the Winston-Salem/Forsyth County Board of Education from and after the fourth year following the effective date of consolidation.

(4) Except as hereinabove otherwise provided with respect to the membership constituting the initial Winston-Salem/Forsyth County Board of Education, the Board of Commissioners of Forsyth County shall appoint all members of the Winston-Salem/Forsyth County Board of Education. All vacancies occurring during a term of office shall be likewise filled by appointment by the board of county commissioners for the unexpired portion of the term. All regular terms of office shall commence as of July first and end June thirtieth of the fourth year thereafter.

(5) At any time after the expiration of four years following the effective date of consolidation, an election may be called to determine whether the board shall continue to be appointed as provided in the foregoing paragraph of this Section 2 (a) of this Act or shall be elected by the voters of Forsyth County. Such election may be called by the Winston-Salem/Forsyth County Board of Education, by resolution of a majority of its full membership, or by the Board of Commissioners of Forsyth County, by resolution of a majority of its full membership, and such election shall be called by the Winston-Salem/Forsyth County Board of Education upon receipt by said board of a petition of registered voters of Forsyth County requesting such an election. The number of persons signing such petition shall be not less than fifteen per cent of the number who voted in Forsyth County in the last preceding presidential general election. If a majority of the votes cast in such election shall be in favor of changing from an appointed board to an elected board, the effect thereof shall be as follows:

(i) The board shall continue to be composed of eight persons and the then members of the board shall continue in office (regardless of the terms for which they were originally appointed) until their successors are elected and qualified, as hereinafter provided.

(ii) In the first regular biennial county-wide election held after the first day of February following the election determining that the board shall change from an appointed board to an elected board, four persons shall be elected to the board to take the places of the four persons then serving who shall have been appointed by the Board of Commissioners of Forsyth County for terms with the earliest expiration dates. Each

of the four persons so elected shall be elected for a four-year term, commencing the first Monday in December following their election, as of which date the terms of the four persons appointed by the Board of Commissioners of Forsyth County for terms with the earliest expiration date shall expire. In the next succeeding regular biennial county-wide election (two years after the first election above referred to) four persons shall be elected to take the places of the four remaining appointees of the Board of Commissioners of Forsyth County. Each of the four persons so elected shall be elected for a four-year term, commencing the first Monday in December following their election, as of which date the terms of the four remaining appointees of the Board of Commissioners of Forsyth County shall expire. Thereafter, four persons shall be elected at every biennial county-wide election; each being elected for a term of four years commencing the first Monday in December following their election.

(iii) Candidates for election to the Winston-Salem/Forsyth County Board of Education shall be nominated by their respective political parties at the same time and in the same manner as other county officers. Each candidate for nomination for the office of membership on the Winston-Salem/Forsyth County Board of Education shall, at the time of filing his notice of candidacy, certify in writing the exact location of his residence and that he is a bona fide resident thereof. The four candidates of each party receiving the highest number of votes shall be declared the nominees of their party, and there shall be no second primary election.

(iv) All vacancies occurring during a term of office shall be filled by appointment by the Board of Commissioners of Forsyth County for the unexpired portion of the term.

(v) No person shall be eligible to serve more than two successive four-year elective terms.

(vi) The provisions of this Act in conflict with this paragraph (5) – including its several subparagraphs – of Section 2 (a) of this Act shall thenceforth be null and void, but, except as altered by this paragraph (5), all other provisions of this Act shall continue in full force and effect.

(6) Upon certification to the Forsyth County Board of Elections of a resolution calling for an election by the Winston-Salem/Forsyth County Board of Education or by the Board of Commissioners of Forsyth County, as provided in paragraph (5), above, of this Section 2 (a), the Forsyth County Board of Elections shall, within thirty (30) days, set the date for such election and commence publication of notice of the call of such election in a newspaper of general circulation in Forsyth County. Such notice shall include notice of the date on which the election will be held and shall be published once a week for four successive weeks. The election shall be held not less than thirty (30) nor more than sixty (60) day after the first date of publication of the notice; provided, however, that if for any reason such election cannot be held within sixty (60) days, it shall be held as soon thereafter as practicable. The election shall be held in accordance with the laws governing general elections. The cost thereof shall be borne by Forsyth County. The form of ballot to be used in such election shall have printed thereon the words "For Continuation of Appointment of Board of Education by

Board of County Commissioners" and "For Change to an Elected Board of Education". Voting machines may be used for such election.

(b) Consolidation Under Plan II (Elected Board – Subject to being changed to Appointed Board)

In the event of consolidation under Plan II, the following shall apply:

(1) On the effective date of consolidation, as hereinafter provided, the terms of office of the five persons then constituting the Forsyth County Board of Education and of the seven persons then constituting the Winston-Salem City Board of Education shall terminate, regardless of whether said persons were appointed or elected to office, and each of said persons shall, on said date, automatically become members of and shall constitute the Winston-Salem/Forsyth County Board of Education and shall, as of said date, commence serving their initial terms on said board.

Any vacancies existing on the Winston-Salem City Board of Education on the effective date of consolidation, immediately preceding consolidation, shall be filled by appointment by the Board of Aldermen of the City of Winston-Salem as soon after consolidation as practicable, and any vacancies existing on the Forsyth County Board of Education at said time shall be filled by appointment by the Board of Commissioners of Forsyth County as soon after consolidation as practicable. Persons so appointed shall serve for one of the initial terms as hereinafter provided.

(2) Of said twelve persons who shall initially constitute the Winston-Salem/Forsyth County Board of Education, six shall serve for an initial term that shall expire the first Monday in December of the first year in which a regular county-wide biennial election is held following the commencement of their said initial term, provided, however, that if the commencement of said initial terms is less than ten months in advance of said first Monday in December, said initial terms shall not expire until the first Monday in December of the next year thereafter in which a regular county-wide biennial election is held. The other six persons shall serve for an initial term that shall expire on the first Monday in December two years after the expiration of the terms of the first six persons. The persons who shall serve said initial terms shall be determined by the drawing of lots.

(3) In the year in which the terms of the first six persons shall expire, and in each regular county-wide biennial election thereafter, four persons shall be elected to the board. Each of the four persons so elected shall be elected for a four-year term, commencing the first Monday in December following their election. The result of this procedure shall be that the membership of the board shall consist of ten persons for an interim period of two years, and shall thereafter consist of eight persons – four persons being elected every two years to serve a term of four years each.

(4) Candidates for election to the Winston-Salem/Forsyth County Board of Education shall be nominated by their respective political parties at the same time and in the same manner as other county officers. Each candidate for nomination for the office of membership on the Winston-Salem/Forsyth County Board of Education shall, at the time of filing his notice of candidacy, certify in writing the exact location of his residence and that he is a bona fide resident thereof. The four candidates of each party

receiving the highest number of votes shall be declared the nominees of their party, and there shall be no second primary election.

(5) All vacancies occurring during a term of office shall be filled by appointment by the Board of Commissioners of Forsyth County for the unexpired portion of the term.

(6) No person shall be eligible to serve more than two successive four-year elective terms.

(7) At any time after the expiration of the first four-year terms of the four persons first elected as members of the board under the preceding paragraphs of this Section 2 (b) of this Act, an election may be called to determine whether the board shall continue to be elected as provided in the foregoing paragraphs of this Section 2(b) of this Act or shall be appointed. Such election may be called by the Winston-Salem/Forsyth County Board of Education, by resolution of a majority of its full membership, or by the Board of Commissioners of Forsyth County, by resolution of a majority of its full membership, and such election shall be called by the Winston-Salem/Forsyth County Board of Education upon receipt by said board of a petition of registered voters of Forsyth County requesting such an election. The number of persons signing such petition shall be not less than fifteen per cent of the number who voted in Forsyth County in the last preceding presidential general election. If a majority of the votes cast in such election shall be in favor of changing from an elected board to an appointed board, the effect thereof shall be as follows:

As the terms of the eight elected members of the board expire, the Board of Commissioners of Forsyth County shall appoint their successors as follows:

Initially, two persons shall be appointed for a one-year term and two persons shall be appointed for a two-year term – when eight persons shall have been thus appointed, the terms of two persons will expire each year – thereafter the Board of Commissioners of Forsyth County shall annually appoint two persons for a regular term of four years each. No person shall be eligible to serve more than eight successive years. All vacancies occurring during a term of office shall be filled by appointment by the Board of Commissioners of Forsyth County for the unexpired portion of the term. All regular terms shall commence as of the first Monday in December.

(c) Consolidation Under Plan III (Appointed Board, With Required Vote on Question of Change to Elected Board)

In the event of consolidation under Plan III, the following shall apply:

The provisions applicable to Plan I – (Section 2 (a) of this Act) – shall apply to Plan III, with the following exception: The Winston-Salem/Forsyth County Board of Education shall be required to call an election within twelve months after the expiration of four years following the effective date of consolidation to determine whether the board shall continue to be appointed or shall be elected by the voters of Forsyth County.

(d) Consolidation Under Plan IV (Elected Board with Required Vote on Question of Change to Appointed Board)

In the event of consolidation under Plan IV, the following shall apply:

The provisions applicable to Plan II – (Section 2 (b) of this Act) – shall apply to Plan IV, with the following exception: The Winston-Salem/Forsyth County Board of

Education shall be required to call an election within twelve months after the expiration of the first four-year terms of the four persons first elected as members of the board to determine whether the board shall continue to be elected or shall be appointed.

Sec. 3. The following provisions shall apply in the event of consolidation under any of the plans provided for in this Act:

(a) The consolidated board shall be the county board of education in and for Forsyth County and shall have county-wide jurisdiction over the public school system in Forsyth County, including all municipalities located therein. The name of the consolidated board shall be: Winston-Salem/Forsyth County Board of Education. The word "Board", and words "Consolidated Board" wherever used in this Act, shall refer to the Consolidated Board; namely, the Winston-Salem/Forsyth County Board of Education.

(b) Members of the Winston-Salem/Forsyth County Board of Education shall be residents of Forsyth County. No person shall serve as a member of the board while holding an elective office; provided, however, that this shall not apply to such of those persons who may serve initial terms on the consolidated board under specific subsequent Sections of this Act and who are members of the Board of Aldermen of the City of Winston-Salem; this exception shall apply only to initial terms on the consolidated board and shall not apply to any terms thereafter. These eligibility provisions are supplemental to other eligibility requirements provided by law.

(c) For the fiscal year beginning July 1 immediately following consolidation of the two boards of education, if the consolidated board is not created in sufficient time to present its supplemental budget and its capital outlay, debt service and current expense budgets within the time prescribed by law for said fiscal year, the members of the Forsyth County Board of Education and the members of the Winston-Salem 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 of that year, and shall give the Board of Commissioners of Forsyth County due notice thereof in time to include said tax with all other taxes to be levied by said board of commissioners 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. The Board of Commissioners of Forsyth County may approve or disapprove the supplemental budget in whole or in part and shall levy such tax as necessary to provide for the approved budget for supplemental purposes, not exceeding the amount of the tax levy authorized by 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 Forsyth County. In the event of a disagreement between the Forsyth County Board of Education and the Winston-Salem City Board of Education acting jointly, on the one hand, and the Board of Commissioners of Forsyth 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.

(d) Each year following the consolidation of the two boards of education, at the same time the other budgets are filed, the Winston-Salem/Forsyth County Board of Education shall file a supplemental budget and request that a sufficient levy be made by the Board of Commissioners of Forsyth 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 Forsyth 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 Forsyth County. In the event of a disagreement between the Winston-Salem/Forsyth County Board of Education and the Board of Commissioners of Forsyth 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.

(e) (1) The Winston-Salem/Forsyth County Board of Education (from and after consolidation) shall establish and maintain a finance office, which shall be subject to the administration and supervision of the superintendent and under the immediate direction of the comptroller-treasurer. The comptroller-treasurer shall be employed by and serve at the pleasure of the Winston-Salem/Forsyth County Board of Education. The duties of the comptroller-treasurer shall include the establishment and maintenance of proper accounting records, including bank accounts, ledgers, journals and such other records as may be necessary, the establishment and maintenance of a system of internal controls for the proper protection of the funds and property of the public school system; he shall assist with the preparation of the annual school budget; he shall keep up to date records of unencumbered balances of appropriations and shall make such financial and statistical reports as may be required or appropriate for the information and guidance of all concerned; and he shall perform such other duties as may from time to time be assigned to him by the Superintendent of Schools or the Winston-Salem/Forsyth County Board of Education. He shall give such bond as shall be fixed by the board, not less than twenty-five thousand dollars (\$25,000.00), conditioned upon the faithful discharge of his duties. The board shall have authority to employ such additional persons and purchase such necessary equipment and services as they deem necessary for the proper establishment, maintenance and operation of the finance office.

(2) All property taxes, poll taxes and dog taxes levied for school purposes, including levies for current expense, capital outlay and special supplement, shall be deposited by the Forsyth County Tax Collector directly into the bank account or accounts of the Winston-Salem/Forsyth County Board of Education daily as said taxes are collected. All other funds which by law are to be used for school purposes (excluding debt service funds) and which are collected by the county treasurer, shall be paid over to the Comptroller-Treasurer of the Winston-Salem/Forsyth County Board of Education monthly.

(3) All special school taxes levied by the City of Winston-Salem which are uncollected as of the effective date of consolidation shall be paid to the

Comptroller-Treasurer of the Winston-Salem/Forsyth County Board of Education promptly as collected.

(4) All expenditures shall be in accordance with approved budgets and appropriations as required by law; provided, however, that the Winston-Salem/Forsyth County Board of Education shall have authority to establish and control the expenditure of special funds, such as cafeteria funds, adult education funds, book and supply fee funds, funds established with gifts for special purposes prescribed by the donors thereof, and other miscellaneous trust funds. All such funds shall be subject to audit as in the case of all other public school funds and no tax revenues or other monies prescribed by law to be used for school purposes shall be set up in any special or trust fund without the authority and approval of the Board of Commissioners of Forsyth County.

(5) All local funds for school purposes shall be disbursed by checks signed by the superintendent or by an assistant superintendent duly authorized by the Winston-Salem/Forsyth County Board of Education to sign checks and by the comptroller-treasurer or by the chairman of the board.

The director of lunchrooms may be authorized to sign checks for the disbursement of lunchroom funds as an alternate for the superintendent or assistant superintendent. The board shall have authority to authorize the use of a check signing machine to affix any of the required signatures.

(f) 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 no other signature shall be required.

(g) In addition to the election of a chairman in accordance with the provisions of Chapter 115 of the General Statutes, the Winston-Salem/Forsyth 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. No person shall serve as chairman for more than four consecutive years.

(h) 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.

(i) 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, 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 superintendents are 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, 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. Article 7 of Chapter 115 of the General Statutes (School Committees) shall not apply to Forsyth County.

(j) A majority of the full membership of the Winston-Salem/Forsyth County Board of Education shall constitute a quorum.

(k) The Winston-Salem/Forsyth County Board of Education may appoint an advisory council for any school 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 for which it is appointed. The organization, terms, composition and regulations for the operation of such advisory councils shall be determined by the board.

(l) Title to all property of the Winston-Salem City Board of Education, both real and personal, of every kind and description, shall be vested in the Winston-Salem/Forsyth County Board of Education as of the effective date of consolidation. The City of Winston-Salem shall transfer title to all school property which it holds to the Winston-Salem/Forsyth County Board of Education as of the effective date of consolidation. The Winston-Salem City Board of Education and the City of Winston-Salem 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 Winston-Salem/Forsyth County Board of Education. The City of Winston-Salem, the Winston-Salem City Board of Education, and Forsyth County Board of Education shall enter into a written agreement defining the property to be transferred by the city under this Section prior to the filing of any petition for consolidation by the Winston-Salem City Board of Education.

(m) All claims and demands of every kind which the Winston-Salem City Board of Education may have as of the effective date of consolidation shall pass and be transferred to the Winston-Salem/Forsyth County Board of Education and the Winston-Salem/Forsyth County Board of Education shall have the same power and

authority to enforce said claims and demands as the Winston-Salem City Board of Education would have had in the event of its continuing existence. Any obligations or liabilities of the Winston-Salem City Board of Education existing as of the effective date of consolidation, shall be and become the obligations and liabilities of the Winston-Salem/Forsyth County Board of Education and such obligations and liabilities may be enforced against said Winston-Salem/Forsyth County Board of Education to the same extent that they might have been enforced against the Winston-Salem City Board of Education had the city board continued in existence.

(n) All taxes collected by the City of Winston-Salem on account of school supplement levies made within said city prior to the effective date of consolidation and not paid over to the Winston-Salem City Board of Education prior to consolidating shall be paid by the City Treasurer of Winston-Salem to the Comptroller-Treasurer of the Winston-Salem/Forsyth County Board of Education promptly as collected.

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

Sec. 4. 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 including, but not limited to, Chapter 944 of the 1947 Session Laws and Chapter 713 of the 1949 Session Laws.

Sec. 5. The preceding Sections of this Act shall become operative only if all of the following conditions are met:

(1) An election is called and held in Forsyth County on a county-wide basis on the question of (a) consolidation under one of the plans set forth in Section 2 of this Act, and (b) on the question of providing a supplemental school tax at a rate to be determined by joint action of the Forsyth County Board of Education and the Winston-Salem City Board of Education, not to exceed the maximum allowed by law; provided, however, that no election shall be required on the supplemental tax rate if the voters of the two administrative units shall have separately approved identical supplemental tax rates.

(2) A majority of the votes cast in the election (a) favor consolidation under the plan voted upon, and (b) favor the supplemental tax voted upon (if, but only if, there shall have been a county-wide supplemental tax vote and if approval thereof shall have been necessary to provide a uniform county-wide maximum supplemental tax rate).

(3) The Winston-Salem City Board of Education petitions the Forsyth County Board of Education and the State Board of Education for consolidation of the Winston-Salem City Administrative School Unit and the Forsyth County Administrative School Unit under this Act and G. S. 115-74 within one hundred twenty (120) days after the announcement of a favorable vote in such election.

(4) The Forsyth County Board of Education approves said consolidation.

(5) The State Board of Education approves said consolidation.

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. The ballots used in said election shall include, among other matter written or printed thereon, the words "For Consolidation Under Plan _____" (filling in the plan number) and "Against Consolidation Under Plan _____" (filling in the plan number). If the aforesaid conditions are met prior to the first day of June of any year, the effective date of consolidation shall be July 1 of that particular year. If the aforesaid conditions are met after the first day of June of any year, the effective date of consolidation shall be July 1 of the next year. In either event, the Board of County Commissioners of Forsyth County shall have authority to levy and collect a tax, not exceeding the amount authorized by the election above referred to, for the fiscal year beginning on the effective date of consolidation.

Sec. 6. If an election under this Act fails to carry on the question of (a) consolidation under the plan voted upon, or (b) a supplemental tax which was voted upon and which was necessary to provide a uniform county-wide maximum supplemental tax rate, or if no petition for consolidation is made under Section 5 (3), or if such petition is made but is not approved as required under Section 5 (4) and (5) of this Act, another election may be called, for a vote on any of the plans provided for in Section 2 of this Act and for a vote on any supplemental tax allowed by law, at any time after the expiration of six months following the date of the next preceding election called and held under this Act.

Sec. 7. 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. 8. 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 28th day of March, 1961.