

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 717
HOUSE BILL 1199

AN ACT TO PROVIDE ENABLING LEGISLATION FOR THE CREATION OF AN INTERIM BOARD OF EDUCATION FOR WAKE COUNTY AND SUBSEQUENT CONSOLIDATION OF THE RALEIGH CITY SCHOOL ADMINISTRATIVE UNIT AND THE WAKE COUNTY SCHOOL ADMINISTRATIVE UNIT AFTER APPROVAL OF A PLAN OF MERGER PURSUANT TO G.S. 115-74.1.

The General Assembly of North Carolina enacts:

Section 1. As used in this act certain terms are defined as follows:

(a) The term "City Board" shall mean the existing Raleigh City Board of Education.

(b) The term "County Board" shall mean the existing Wake County Board of Education.

(c) The term "Interim Board" shall mean a separate Board of Education established by this act for the purpose of supervising, coordinating, contracting for and acquiring all new schools and plant sites to be built in the administrative unit affected by this act.

(d) The term "City Administrative Unit" shall mean the geographical territory over which the Raleigh 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 Wake 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 County Commissioners of Wake County.

(g) The term "Wake County 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 Wake County, including those schools now operated and administered by the city board and now operated and administered by the county board.

Sec. 2. The city board and the county board by majority vote of each may mutually agree on a Plan of Consolidation and Merger and shall petition for approval of the same by the county commissioners, all pursuant to the provisions of G.S. 115-74.1 of the General Statutes of North Carolina.

Sec. 3. Upon approval of the county commissioners as provided for in said Plan of Consolidation and Merger and as provided for herein and as provided for in G.S. 115-74.1 of the General Statutes of North Carolina, said Plan of Consolidation and

Merger of the City Administrative Unit and the County Administrative Unit shall be effective as of July 1, 1976, and within 30 days after said approval of said Plan of Consolidation and Merger by the State Board of Education as provided in G.S. 115-74.1, the interim board as hereinafter provided for shall be established as a body politic and as such shall assume the authority and responsibility for the supervision, coordinating, acquisition, contracting and construction as to all new school buildings to be built within the territorial limits of the resulting Wake County Board of Education and the said interim board shall meet within 30 days after its establishment for the purpose of organizing. The interim board shall elect a chairman to preside over its meetings and all members of the interim board shall be equally entitled to hold any office of the board. The interim board shall exercise all powers and authorities and duties that are now exercised and performed by the city and county boards of education as set forth in the General Statutes as they relate to the selection and acquisition of school sites, entering into contracts for the purpose of obtaining equipment and supplies required for such building facilities.

All powers and authority not specifically given to the interim board under this act are specifically retained by the two existing boards of education.

For the purpose for which the interim board is hereby established, the interim board shall have all statutory powers and authority to prepare and submit to the county commissioners all necessary budgets including supplemental budgets and at the time required by law shall prepare and submit to the county commissioners all necessary capital outlay, debt service and current expense budget. The interim board shall expend all funds in conformity with approved budgets.

In addition, from and after the first day of January, 1976, the interim board shall have all necessary powers and authority to make contracts, hire personnel and adopt policies and administrative procedures, all as the same may relate to all school matters for the school year 1976-77 and for subsequent years.

Sec. 4. In the event this Plan of Consolidation and Merger is approved as herein provided for, the interim board consisting of fifteen members shall be created in addition to the two existing boards and the said interim board shall remain in existence until such time as the Wake County Board of Education as herein established shall be fully constituted and the members of the interim board shall be elected or appointed as follows:

The interim board shall consist of the existing city board membership and the existing county board membership.

Such members of the interim board shall serve until July 1, 1976, the effective date of the consolidation and merger of the two administrative units herein provided for.

Any vacancy occurring on the interim board by reason of death, resignation, or for any cause whatsoever, shall be filled by the remaining members of the interim board.

As of July 1, 1976, the interim board shall be and become the Wake County Board of Education, at which time the Wake County Board of Education shall consist of

fifteen members and the members thereof shall serve a term expiring on the first Monday in December, 1977.

Sec. 5. On or before January 1, 1977, the county commissioners shall establish nine voting districts numbered one through nine for the purpose of nominating and electing a school board member from each voting district. These districts shall be established by combining contiguous voting precincts in such a manner as to divide the county into nine school board voting districts having as nearly as may be possible an equal number of registered voters in each district. The office of Wake County Board of Elections shall provide administrative staff and assistance to the county commissioners in establishing the aforesaid school board voting districts.

Sec. 6. In the year 1977, the nine members of the Wake County Board of Education shall be elected as hereinafter provided:

(a) Seat 1 shall be filled by that person elected from District 1; Seat 2 shall be filled by that person elected from District 2; Seat 3 shall be filled by that person elected from District 3; Seat 4 shall be filled by that person elected from District 4; Seat 5 shall be filled by that person elected from District 5; Seat 6 shall be filled by that person elected from District 6; Seat 7 shall be filled by that person elected from District 7; Seat 8 shall be filled by that person elected from District 8; Seat 9 shall be filled by that person elected from District 9.

(b) All terms of office for each member of the Wake County Board of Education nominated and elected in 1977 shall begin on the first Monday in December following the 1977 election and expire as follows:

The term of office for Seats 1, 2, and 3 shall expire on the first Monday in December of 1983.

The term of office for Seats 4, 5, and 6 shall expire on the first Monday in December of 1981.

The term of office for Seats 7, 8 and 9 shall expire on the first Monday in December of 1979.

Sec. 7. In the year 1977, and each two years thereafter, the election of members of the Wake County Board of Education shall be elected by the nonpartisan primary method of election as hereinafter provided:

(a) The election shall be held on Tuesday after the first Monday in November and the nonpartisan primary shall be held on the fourth Tuesday before the election.

(b) A candidate seeking nomination for election to the Wake County Board of Education shall file notice of candidacy with the Wake County Board of Elections not later than 12:00 noon on the Friday preceding the fourth Saturday and not earlier than 12:00 noon on the Friday preceding the eighth Saturday before the primary election in which he seeks to run.

(c) In the nonpartisan primary election to be held prior to the election, a nonpartisan primary shall be held to narrow the field of candidates to two candidates from each voting district. Candidates for the Wake County Board of Education shall file according to the voting district in which they reside and shall be voted on by the electors

in that district. If only one or two candidates file for a single position, no primary shall be held for the position and the candidates shall be declared nominated.

(d) Candidates nominated by district shall be placed on the ballot in the election by district and shall be voted on by the electors of that district, and the candidate from each district receiving the highest total vote shall be elected to the Wake County Board of Education from that district.

(e) Except as is specifically provided in this section, nomination and election of members to the Wake County Board of Education shall be governed by the provisions applicable to the nomination and election of officers in municipal elections where the nonpartisan election and the nonpartisan primary method is used.

Sec. 8. Each two years after the 1977 election, the vacancies occurring in the membership of the Wake County Board of Education 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 six years. The members of the Wake County Board of Education nominated and elected shall take office on the first Monday in December following their election, and the terms of their office shall date and extend from that time.

Sec. 9. The Wake County Board of Education, acting jointly and by a majority vote of all members present, shall elect a chairman to preside at meetings and a vice-chairman to preside at meetings in the absence of the chairman; and the chairman and vice-chairman shall have a vote on all matters considered by the Wake County Board of Education, but the presiding officer shall have no authority to vote except to break a tie. All vacancies occurring in the membership of the Wake County Board of Education by reason of death, resignation, removal of residence from the district from which elected, or for any cause whatsoever, shall be filled by the remaining members of said board by appointing a member from the voting district creating the vacancy for the unexpired term. The Wake County Board of Education shall have all power and authority as a Board of Education as herein conferred and as are conferred by the General Statutes of North Carolina on boards of education in general.

Sec. 10. The interim board of education shall cease as a body politic on July 1, 1976, when the Wake County Board of Education shall assume authority and its members shall take office as herein provided.

Sec. 11. Upon the creation of the interim board and until July 1, 1976, the city board and the county board shall continue to exercise all powers and authority with respect to the administration and operation of all existing schools in the administrative unit of each respective board of education, together with all other powers conferred by law except those which are specifically given to the interim board for the purpose of supervising, coordinating, contracting for and acquiring all new school plants and sites to be built in Wake County.

The financial administration of the existing city board and the county board until otherwise terminated herein shall be governed by the provisions of the General Statutes of North Carolina except that the interim board shall have specific authority between January 1, 1976, and July 1, 1976, to prepare and submit to the county commissioners all necessary budgets, including supplemental budgets and at the time

required by law to prepare and submit to the county commissioners all the necessary capital outlay, debt service and current expense budgets for school purposes, all for and in behalf of the Wake County Board of Education notwithstanding the creation of the Wake County Board of Education until July 1, 1976.

Sec. 12. When any vacancy occurs on the city board and the county board prior to July 1, 1976, such vacancy shall be filled in the manner now provided by law.

Sec. 13. As of July 1, 1976, when the Wake County Board of Education shall assume all of the authority of administering and operating all schools in the existing city administrative unit and county administrative unit, all authority and power of the interim board, the city board and the county board shall cease and terminate and the same shall be vested in the Wake County Board of Education which shall control, administer, and operate all of the public schools located in Wake County.

Sec. 14. Upon approval of the plan of consolidation and merger as herein provided for as of July 1, 1976, the title to all property of the city board and the county board and the interim board, both real and personal of every kind and description shall be vested in the Wake County Board of Education; and the city board and the county board and the interim board shall have full and ample authority between June 15, 1976, and July 1, 1976, to execute all deeds and other instruments of conveyance as may be deemed necessary to vest record title to any such property heretofore held by them in and to the Wake County Board of Education as of July 1, 1976. All claims and demands of every kind which the city board and the county board and the interim board may have as of such date, to wit July 1, 1976, shall pass and be transferred to the Wake County Board of Education, and said board of education shall have the same powers and authority to enforce said claims and demands as the existing county board and the city board and the interim board would have had in the event of their continued existence. Any obligations and liabilities of the city board and county board and interim board existing as of July 1, 1976, shall be and become the obligations and liabilities of the Wake County Board of Education as of July 1, 1976, and such obligations and liabilities may be enforced against the said Wake County Board of education thereafter to the same extent that they might have been enforced against the existing boards had they continued in existence.

Sec. 15. Upon approval of a plan of consolidation and merger as herein provided for and upon the establishment of the interim board as herein provided for, then and in that event, all existing laws providing for the election and reelection of members to the city board and the county board shall be suspended, the same as if repealed, and the terms of office of members of the existing boards of education shall continue until the termination of each respective board of education hereunder and the selection procedures for membership to the interim board and the resulting Wake County Board of Education to be established as of July 1, 1976, hereunder shall control.

Sec. 16. The purpose of this act is to provide an enabling statute in addition to the other statutes which may be available for such purposes for the consolidation and merger of the city board and the county board.

Sec. 17. All laws and clauses of laws in conflict with this act are repealed.

Sec. 18. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1975.