

NORTH CAROLINA GENERAL ASSEMBLY  
1963 SESSION

CHAPTER 218  
SENATE BILL 70

AN ACT TO AUTHORIZE AND DIRECT THE BOARD OF EDUCATION OF CARTERET COUNTY TO RE-NEGOTIATE WITH THE LOWEST BIDDER A CONTRACT FOR THE CONSTRUCTION AND COMPLETION OF THE WESTERN CARTERET COUNTY SCHOOL PROJECT AND TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS OF CARTERET COUNTY TO LEVY A SUFFICIENT TAX AND MAKE AVAILABLE TO THE BOARD OF EDUCATION OF CARTERET COUNTY THE NECESSARY FUNDS FOR THE COMPLETION OF THE BUILDING CONTRACT.

WHEREAS, on February 28, 1959, the Board of Commissioners of Carteret County adopted a so-called "Pay As You Go" plan or policy for providing additional and necessary educational facilities for the public school system of the county; and

WHEREAS, it is provided by G. S. 115-80.1 through G. S. 115-80.5, enacted by the General Assembly of 1959, that the various counties of the State could establish capital reserve funds, and thereafter the Board of Commissioners of Carteret County by means of tax levies for the fiscal years 1959-60, 1960-61, 1961-62, and 1962-63, have made available for such capital reserve fund the approximate sum, with interest, of eight hundred thousand dollars (\$800,000.00); and

WHEREAS, upon the request of the Board of Education of Carteret County, the Director of the Division of School Planning of the State Department of Public Instruction caused to be made in 1958 a survey of Carteret County School needs, with priorities of consideration being shown, with the result that the survey showed a greater prior need in the Morehead City School Area, and a like survey conducted in 1961 emphasized the emergency need in the said Morehead City area; and

WHEREAS, the County Board of Education has repeatedly, during the intervening years since 1958, endorsed the aforesaid study and emphasized the necessity of a new high school building or plant for Western Carteret County, representing a recent consolidation of the Morehead City-Newport Areas for high school purposes; and

WHEREAS, in November, 1962, bids theretofore regularly called for under the architect's plans, were canvassed, with the result that the lowest bid approximated one million, one hundred ninety-six thousand, nine hundred seventy dollars and seventeen cents (\$1,196,970.17), or the amount of approximately three hundred thousand dollars (\$300,000.00) in excess of the reserve fund so far set aside for the purpose; and

WHEREAS, it is the opinion of the Board of Education of Carteret County that a re-negotiated contract with the low bidder (whose bid was ninety-eight thousand,

nine hundred dollars (\$98,900.00) less than the next lowest bid) would result in very appreciable savings to the taxpayers of Carteret County and at the same time expedite the construction of the plant; and

WHEREAS, although the county is now debt free, the recently elected Board of Commissioners of Carteret County has refused to give assurance that the 1963-64 budget levy will be made to provide the necessary funds for the completion of the Western Carteret County School Project for which the school capital reserve fund of the county has been accumulating since the original tax levy of 1959; and

WHEREAS, it is found and determined that a real emergency exists in the Morehead City School along with a minimum of thirteen (13) classes presently held in Quonset huts and other improvised quarters; and

WHEREAS, it is highly necessary to meet the presently existing school emergencies and is altogether in accord with the policy and will of the Board of Education of Carteret County, and likewise is to the greater interest of the County and Public School System itself: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Carteret County is hereby authorized, empowered and directed to enter into negotiations with the lowest responsible bidder who has heretofore submitted bids for the Western Carteret County High School or the so-called Western Carteret County School Project. If as a result of said negotiations the Board of Education of Carteret County and the said lowest responsible bidder shall reach an agreement as to the contract price or amount for which the lowest responsible bidder will construct said high school building or carry out said Western Carteret County School Project according to the plans and specifications heretofore drafted by the architect and approved by the public school authorities, then the said Carteret County Board of Education shall award said contract to the said lowest responsible bidder if such bidder will agree to perform said contract without making any substantial changes in the plans and specifications.

Sec. 2. The Board of Education of Carteret County is hereby vested with all necessary power and authority to take any and all legal steps and measures, and to execute any and all necessary documents, contracts and legal agreements to carry out the intent and purpose of this Act and to execute and make effective any agreement for construction and carrying out the Western Carteret County School Project as provided in Section 1 of this Act. The Board of Education of Carteret County is hereby authorized and empowered to make and agree upon changes in said plans and specifications so long as same are not material or substantial changes or alterations and to agree upon and execute change orders for said purpose. The Board of Education of Carteret County shall use its best judgment and discretion in agreeing upon the amount necessary to complete said school project according to plans and specifications and when said amount is arrived at and a contract executed and awarded the said amount shall be deemed to be in contemplation of law the lowest responsible bid for said school project. That except for the provisions of this Act Chapter 143 of the General Statutes,

known as the Public Building Contracts Act, and Chapter 133 of the General Statutes, known as the Public Works Act, shall remain in full force and effect as well as any and all other applicable provisions of State law.

Sec. 3. That the Board of Education of Carteret County shall notify the Board of Commissioners of Carteret County, in writing, the amount of money or funds in excess of the funds or money heretofore accumulated in the Capital Reserve Fund, as set forth in the preamble to this Act, necessary to complete said Western Carteret County High School Building or Western Carteret County School Project. It shall be the mandatory duty, and said board of commissioners is hereby ordered, directed and required, to levy a sufficient tax upon the taxable property of Carteret County for the budget year 1963-64 from which levy there shall be accumulated and derived a sufficient amount or sum to complete said contract for the construction and carrying out of the Western Carteret County School Project and the high school building connected therewith. The said levy shall be in a sufficient amount from which adequate funds shall be derived in an amount representing the excess required over and above the funds already accumulated in the Capital Reserve Fund and shall be a levy which shall produce proceeds or funds in the amount representing such excess and as contained in the notice required to be sent to the Board of Commissioners by the Board of Education of Carteret County as set forth in this Act. The said funds to be derived from said levy are declared to be funds necessary for the maintenance and operation of the public schools of Carteret County for the school term as required by the Constitution of the State of North Carolina, and the approval and general consent of the General Assembly of North Carolina is hereby given for such levy.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed,

Sec. 5. 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 16th day of April, 1963.