

NORTH CAROLINA GENERAL ASSEMBLY  
1967 SESSION

CHAPTER 893  
HOUSE BILL 865

AN ACT TO AUTHORIZE AN ELECTION OR REFERENDUM ON THE QUESTION OF REORGANIZING AND MERGING THE LINCOLN COUNTY SCHOOL ADMINISTRATIVE UNIT AND THE LINCOLNTON CITY ADMINISTRATIVE UNIT INTO ONE SCHOOL ADMINISTRATIVE UNIT UNDER ONE BOARD OF EDUCATION UPON THE CONDITIONS SET FORTH IN THIS ACT.

The General Assembly of North Carolina do enact:

Section 1. Upon the completion of a thorough study and investigation made by the State Board of Education through its administrative officers as to the feasibility of operating all the public schools in Lincoln County, including the schools located in the Lincolnton City Administrative Unit, under one board of education, the Board of County Commissioners of Lincoln County is authorized and empowered to submit to the voters of Lincoln County in a referendum or election the necessary questions to determine the will of the voters as to whether said consolidation and merger shall take place. The Board of County Commissioners of Lincoln County is authorized to provide for an additional study or studies of the consolidation question. The Board of County Commissioners of Lincoln County shall be the sole and final judge of the study or studies and as to whether or not any such election or referendum shall be called, and if called, the date on which it shall be held; provided, however, if said report made by the State Board of Education recommends that such consolidation or merger should not be brought about and would not be feasible, then no election or referendum shall be called. If it shall be decided by the Board of County Commissioners for Lincoln County that said election or referendum shall be called, then said election or referendum shall be conducted in accordance with the provisions of G. S. 115-122 and related statutes involving elections, and the questions submitted shall be voted upon by the voters of Lincoln County at large. The ballot submitted to the voters shall contain substantially the following:

"FOR reorganizing and merging the Lincoln County School Administrative Unit, and the Lincolnton City School Administrative Unit into one school administrative unit under one board of education for all the public schools in Lincoln County." "AGAINST reorganizing and merging the Lincoln County School Administrative Unit and the Lincolnton City School Administrative Unit into one

school administrative unit under one board of education for all the public schools in Lincoln County."

Sec. 2. If, upon certification of the results of the election, a majority of those voting in the election or referendum shall favor the question submitted, then this Act shall become operative, and the two school administrative units named in Section 1 of this Act, together with their respective boards of education, shall be consolidated and merged as hereinafter set forth, and all the public schools of Lincoln County shall operate as a part of the Lincoln County School Administrative Unit and shall be under the jurisdiction and administration of the Lincoln County Board of Education, which shall consist of nine members, seven of whom shall be nominated from candidates of the political parties within the township districts set out below, but elected at large: One member from Northbrook Township; one member from Howard's Creek Township; three members from Lincolnton Township; one member from Ironton Township; one member from Catawba Springs Township, and two members nominated and elected at large from the candidates of the political parties of Lincoln County. The candidates of each political party shall file a notice of candidacy with the Lincoln County Board of Elections at least 30 days prior to the date of holding said primary election, and the notice shall state the name, age and residence of said candidate and from which particular township district he desires to stand for nomination which must be the township in which he is a resident; a similar notice of candidacy shall be filed with the Lincoln County Board of Elections by the persons who desire, to stand for nomination for said Board of Education except it shall be stated that they desire to be candidates at large, and the notice of candidacy of these persons shall be filed at least 30 days prior to the date of said primary election. The candidates of each political party receiving the highest number of votes within each such district shall be declared to be the nominees of their respective parties and in the general election they shall be voted on at large by the electors of Lincoln County. The nominee receiving the highest number of votes within each respective township district shall be declared to be elected to membership on said Board of Education from said township district irrespective of the number of votes that may be received by any of the nominees from any of the other township districts, thus insuring that each township district shall have an elected member on said Board; the two nominees at large receiving the highest number of votes in descending order shall be declared to be elected to membership on said Board of Education; provided, however, that the terms of office of each of the members of the Lincoln County Board of Education and the terms of office of each of the members of the Lincolnton City Board of Education be, and they are hereby, extended to the first Monday in December, 1972.

Sec. 3. Upon approval by the voters of Lincoln County of the merger or consolidation herein provided and until a new board of education is nominated and elected as herein provided, all of the public schools of Lincoln County, as well as the public schools located in the Lincolnton City Administrative Unit, shall be administered and operated by a joint board of 10 members to be composed of the five members of the Lincolnton City Board of Education and of the five members of the Lincoln County

Board of Education. The joint board shall be designated and known as: "Joint Lincoln County Board of Education", and the said "Joint Board" shall assume the administration of all of said public schools on the day following the day of the certification of the results of said election or referendum. The Joint Board shall have full power and authority to control and administer all the public schools in Lincoln County and shall exercise all powers, authority and duties as set forth in Chapter 115 of the General Statutes, as amended, including the right to hire and enter into contracts with a superintendent of schools, an associate superintendent or assistant superintendent as the Joint Board shall consider proper. The Joint Board shall have the power and authority to hire all necessary teachers and other employees and to prepare and submit budgets and do whatever is necessary to operate the public school system of Lincoln County. Title to all school property, both real and personal, all books, papers, all unexpended funds and balances, and all contracts and liabilities relating to all said public schools in said County, shall be vested in the Joint Board, as well as full and complete control of all public school facilities of any nature whatsoever. The Joint Board, upon taking authority, shall elect a chairman, a secretary and other necessary officers and six members shall constitute a quorum of said Joint Board. The members of the Joint Board shall receive the same compensation as provided in Section 4 hereof. All vacancies occurring in said Joint Board by reason of death, resignation, change of residence, removal or otherwise, shall be filled by the remaining members of said Board but the member appointed to fill said vacancy shall come from the same category and shall be of the same party affiliation as the member causing said vacancy.

Sec. 4. At the next 1972 primary and general election there shall be nominated and elected nine members of the Board of Education of Lincoln County in the manner provided in Section 2 of this Act. The nomination of said members in the primary and the election of said members in the general election shall be governed by the primary and election laws as set forth in Chapter 163 of the General Statutes, as amended. The four township district members receiving the highest number of votes in descending order, and, in addition, the one member receiving the highest number of votes of those elected at large, thus making five members, shall serve for terms of four years, and the three township district members receiving the next highest number of votes, in descending order, plus the member elected at large receiving the next highest number of votes in descending order of those elected at large, thus making four members, shall serve for terms of two years and until their successors are elected and qualified. Thereafter all terms of office of the Board of Education of Lincoln County shall be for a term of four years. On the first Monday in December following the election of the Lincoln County Board of Education all power and authority of the Joint Board shall cease and all the terms of office of the Joint Board shall terminate. The members of the Lincoln County Board of Education, elected as herein provided, shall pay a filing fee of ten dollars (\$10.00) and shall receive twenty-five dollars (\$25.00) for each regular monthly meeting and fifteen dollars (\$15.00) for each special meeting. The said Board of Education, herein provided and elected, shall select its own chairman, vice chairman and other necessary officers of the Board. All vacancies occurring in said

Lincoln County Board of Education by reason of death, resignation, change of residence, removal or otherwise, shall be filled by the remaining members of said Board but the member appointed to fill said vacancy shall come from the township district, if a township district member, and shall be of the same party affiliation as the member causing said vacancy.

Sec. 5. On the first Monday in December, 1972, when the Lincoln County Board of Education assumes office, the said Board of Education shall control, operate and administer all the public schools in Lincoln County, including those public schools formerly located and situated in the Lincolnton City Administrative Unit. Title to all school property, both real and personal, all books, papers, all unexpended funds and balances, and all contracts and liabilities relating to all said public schools in said County, shall be vested in the Lincoln County Board of Education, as well as full and complete control of all public school facilities of any nature whatsoever.

Sec. 6. The Board of County Commissioners of Lincoln County is hereby authorized and empowered, in its discretion, to cause to be submitted at the same time of the election or referendum on the question of the consolidation and merger of all the school units in Lincoln County an additional or further question or questions which may directly or indirectly pertain to the main issue of consolidation including tax levy and bond issuance provided that such tax levy and/or bond issuance shall not exceed the limitations prescribed by law.

Sec. 7. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. 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 22nd day of June, 1967.