

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 525
SENATE BILL 442

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF THE MOUNT AIRY CITY SCHOOL ADMINISTRATIVE UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL AND THE INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition, signed by not less than ten percent (10%) of the qualified voters of the territory comprised within the Mount Airy City School Administrative Unit and described in such petition, praying that bonds or notes be issued under the provisions of this act, the Board of County Commissioners of Surry County shall order a special election to be held in such school district or unit as a special bond tax unit for the purpose of voting upon the question of issuing bonds or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, including gymnasiums, agriculture buildings, shops, school cafeterias and other necessary buildings, and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections, the Board of County Commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records, which shall be conclusive of all the facts therein found and determined. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, the maximum amount of bonds or notes to be issued, the purpose or purposes for which the bonds or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds or notes. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on

Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and except as otherwise provided in this act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots shall be in substantially the following words: "For the issuance of \$ _____ School Bonds or Notes and the levying of a sufficient tax for the payment thereof," and "Against the issuance of \$ _____ School Bonds or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voters may make a cross (X) mark. The petition herein provided for shall be filed with the Board of Commissioners of Surry County and referred to the Board of Elections of Surry County to determine the sufficiency thereof, and upon filing by said Board of Elections that the petition meets the requirements of this section, the Chairman of said Board shall file a certificate to that effect with the Chairman of said Board of Commissioners of Surry County.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Surry County, which Board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said Board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Surry County as aforesaid and the other filed with the Clerk of the Superior Court of Surry County. The election officers shall incorporate in the returns not only the number of votes cast for and against the bonds, but also the number of voters registered and qualified to vote at the election and the Board of County Commissioners shall include in their canvass not only the number of votes cast for and against the bonds, but also the number of voters registered and qualified to vote at the election. The Board of County Commissioners of Surry County shall prepare a statement showing the number of votes cast for and against the bonds or notes, and declaring the results of the election, which statement shall be signed by the Chairman of the Board and attested by the Clerk, who shall record it in the minutes of the Board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Sec. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest on such bonds or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding section.

Sec. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds or notes and the levy of such tax, then the Board of Commissioners of Surry County shall provide by resolution, which resolution may be finally passed at the same

meeting at which it is introduced, for the issuance of such bonds or notes, which bonds or notes shall be issued in the name of the County, but shall be made payable exclusively out of the taxes to be levied in such district or unit, except the Board of County Commissioners of Surry County may pay from county funds any part of the principal and interest of said bonds or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Surry County may determine, subject to the limitations and restrictions of this act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such issue. No such installment shall be more than two and one-half (2 1/2) times as great in amount as the smallest prior installment, of the same bond issue. The bonds or notes shall bear interest at such rate or rates as shall be fixed by resolution of the Board of County Commissioners of Surry County, payable semi-annually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by the said Board. They shall be signed by the Chairman of the Board of County Commissioners of Surry County, and the seal of the County shall be affixed to or impressed upon each bond or notes and attested by the Register of Deeds or by the Clerk of said Board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such Chairman. The delivery of bonds or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 5. The Board of County Commissioners of Surry County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds or notes as such principal and interest becomes due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds or notes.

Sec. 6. The Mount Airy City School Administrative Unit is defined as being all of the territory embraced within the boundary lines of the Mount Airy City School Administrative Unit as said City Administrative Unit is constituted at the time of the petition and the holding of the election as provided for in this act.

Sec. 7. The powers conferred by this act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds or notes, or any provisions of law for the payment of bonds or notes issued under such powers, or for the custody of moneys provided for such payment.

Sec. 8. This act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds or notes and endorsement of such approval upon bonds and notes, and as to the sale of bonds or notes and the disposition of the proceeds, shall be applicable to the bonds or notes authorized by this act. The proceeds shall be paid out only upon order of the Mount Airy City Board of Education.

Sec. 9. This act shall apply only to the Mount Airy City School Administrative Unit and Surry County.

Sec. 10. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of June, 1971.