



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Dr. R. Scott Ralls, President

REPLY TO:

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September 30, 2009

IMPORTANT ADMINISTRATIVE CODE INFORMATION

MEMORANDUM

TO: Members of the State Board of Community Colleges
Community College Presidents and Boards of Trustees Chairs
NC Community College System Office Staff
Other Interested Parties

FROM: Q. Shanté Martin
General Counsel

SUBJECT: **ADOPTION OF 23 N.C.A.C. 02D .0329, "MAINTENANCE OF PLANT FLEXIBILITY" OF THE NC ADMINISTRATIVE CODE, EFFECTIVE SEPTEMBER 30, 2009**

The State Board of Community Colleges has completed the emergency adoption process for 23 N.C.A.C. 02D .0329 entitled "Maintenance of Plant Flexibility." The State Board of Community Colleges complied with the specific directive given by the Legislature in Session Law 2009-451 to adopt emergency rules for the implementation of this new law. This emergency rule is effective September 30, 2009 and will grant community colleges the flexibility to transfer funds as necessary to minimize the impact of budget reductions on the educational program, including the elimination of State funding for maintenance of plant.

For your convenience, a copy of the emergency rule is attached to this memorandum. Please be sure to share this change in the Administrative Code with all those affected. If there are questions, please do not hesitate to ask.

CC09 – 031
E-mail Copy

QSM/caa
Attachment

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23 NCAC 02D .0329 MAINTENANCE OF PLANT FLEXIBILITY

(a) Notwithstanding any other provision of law, a community college that received State funds for maintenance of plant pursuant to G.S. 115D-31.2 for the 2008-2009 fiscal year may use non-instructional State funds allocated to it through the institutional support allotment for maintenance of plant for the 2009-2010 and 2010-2011 fiscal years.

(b) The amount of these funds used for the 2009-2010 fiscal year for maintenance of plant shall not exceed the total amount of maintenance of plant funds received for the 2008-2009 fiscal year. The amount of these funds used for the 2010-2011 fiscal year for maintenance of plant shall not exceed fifty percent (50%) of the amount of maintenance of plant funds received for the 2008-2009 fiscal year. This section shall be effective for the 2009-2011 fiscal biennium.

*History Note: Authority G.S. 115D-5; S.L. 2009-451, s. 8.17(b);
Emergency Adoption Eff. September 18, 2009.*