



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Peter Hans, President

21 May 2019

IMPORTANT INFORMATION

MEMORANDUM

- TO:** Members of the State Board of Community Colleges
Community College Presidents
Boards of Trustees Chairs
Community College Chief Academic Officers, Chief Admissions Officers, Basic Skills Directors, Business Officers, Continuing Education Officers, Customized Training Directors, Distance Learning, Chief Financial Officers, Continuing Education Officers, Financial Aid Officers, Personnel Directors, Student Development Administrators, Public Information Officers, Registrars, & Other Interested Parties
- FROM:** Q. Shanté Martin, *NCCCS General Counsel*
- RE:** **Proposed Amendment of 1H SBCCC 400.4**

The State Board of Community Colleges (“SBCC”) has initiated the rulemaking process to amend **1H SBCCC 400.4 – “Capital Project Approval and Obtaining Capital Funds”**. The proposed change will codify System President’s authority to approve certain actions related to college capital improvement projects, as recommended by the SBCC Governance Committee.

The proposed amendment is published on the NC Community College System's website, www.nccommunitycolleges.edu, under "State Board Code." For your convenience, a copy of the proposed rule, with the changes indicated, is attached to this memorandum. Please post a copy of the proposed rule in prominent places so that all individuals affected by the proposed changes will be informed.

Any member of the public has the right to submit written comments on the proposed rule. Please note that any person who submits a public comment on behalf of their community college should comply with their college’s local process for submitting comments on a proposed rule. **Written comments on the rule must be received by no later than 5:00 p.m. on 20 June 2019.** Any member of the public has the right to request a hearing on the proposed rules. **Requests for a hearing must be received by no later than 5:00 p.m. on 5 June 2019.** Written comments and requests for hearing shall be directed to the following address: Jonathan Harris, 200 W. Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by **email to publiccomments@nccommunitycolleges.edu**. Thank you for your attention to this matter.

**CC19-023
E-mail Copy**

Attachments



State Board of Community Colleges Code

Notice of Proposed Rulemaking Form

Date: 21 May 2019

Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed	Amend 1H SBCCC 400.4 – “Capital Project Approval and Obtaining Capital Funds”
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Specify whether the SBCC proposes to adopt amend, or repeal a rule:

Adopt (new rule)	Amend (change existing rule)	Repeal (delete entire rule)
	X	

Rationale for proposed adoption, amendment or repeal:	Codify System President’s authority to approve certain actions related to college capital improvement projects, as recommended by the State Board of Community Colleges Governance Committee.
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Proposed Effective Date of Rule	August 1, 2019
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1H SBCCC 400.4 is proposed for amendment as follows:



1 **State Board of Community Colleges Code**

2 **TITLE 1. COMMUNITY COLLEGES**

3
4 **CHAPTER H. FISCAL MANAGEMENT**

5
6 **SUBCHAPTER 400. PROPERTY AND CAPITAL IMPROVEMENTS**

7
8 **1H SBCCC 400.4 Capital Project Approval and Obtaining Capital Funds**

9 ~~State Board~~ (a) Project Approval. The State Board shall approve all formal capital
10 improvement projects, regardless of the source of funds, and all informal college
11 capital improvement projects that are supported in part or in total with State funds. As
12 part of the request submitted to the State Board, the college shall certify that its board
13 of trustees has voted to approve the project. The State Board delegates to the
14 President of the North Carolina Community College System the authority to approve,
15 subject to State Board ratification, a capital improvement project if the college has an
16 urgent need and provides evidence that the college will be negatively impacted if
17 approval is delayed until the next regularly scheduled meeting of the State Board. The
18 System President shall present the project to the State Board for ratification at its next
19 regularly scheduled meeting.

20 (b) Amendments to approved projects. The State Board shall approve amendments to
21 capital projects approved under subsection (a) of this rule, except the State Board
22 delegates to the President of the North Carolina Community College System or the
23 President's designee the authority to approve an amendment that meets one or more
24 of the following conditions:

25 (1) Decreases project funding,

26 (2) Increases project funding solely with non-State funds, or

27 (3) Transfers previously approved State funds (excluding bond funds) to another
28 previously approved project.

29
30 *History Note: Authority G.S. 115D-5;*

31 *Eff. [November 1, 2015](#).*

1H SBCCC 400.4 is proposed for amendment as follows:

1

Amended Eff. _____

DRAFT