

NUMBERED MEMO CC25-036

TO: Community College Presidents

FROM: Jonnell Carpenter, *NCCCS General Counsel*
Alex Fagg, *Vice President of Government and External Relations*

SUBJECT: Community College Local Board of Trustees Appointment Process and Guidance

DATE: April 17, 2025

Pursuant to Session Law 2023-134 enacted by the North Carolina General Assembly, the process for appointing members to the local boards of trustees for North Carolina Community Colleges has been updated. This memo outlines the revised procedures and provides guidance to ensure consistency, compliance with the new legislation, and a clear understanding of the roles and responsibilities of appointing authorities moving forward.

Governing Authority

The governing law for a local board of trustees is established in N.C. Gen. Stat. §115D-12. The most recent changes to board of trustees' criteria are ratified in SL 2023-134.

Board of Trustees Composition

The Board of Trustees will be composed of the following:

- Eight (8) members appointed by the General Assembly
- Four (4) members elected by the board of commissioners in the county which the college's main campus is located. One (1) election may be the county commissioner.
 - Two (2) additional trustees may be elected by each board of commissioners of any other county in the administrative area that provides plant funds to the college. One (1) election may be the county commissioner.
- The president of the student government or the chair of the executive board of the student body of each community college may be an ex officio nonvoting member, if the board agrees.

****The General Assembly has established different local board of commissioner appointing structures for the following colleges: Mayland Community College, South Piedmont Community College, and Vance-Granville Community College. Please contact the Government Relations Office at the System Office for further details.**

CC25-036

Appointment Process

The local school board and Governor will no longer make board of trustees' appointments after their respective appointees roll-off or term expires.

All current Board of Trustees members will retain their position for the remainder of their term. As positions are vacated or terms expire, the trustees will be appointed or elected in accordance with the process below.

Appointments Made Upon the Expiration of a Trustee's Term

Colleges are not required to notify the General Assembly or the System Office of expiring terms for local board of trustee appointments.

The General Assembly will appoint two (2) trustees annually:

- One (1) appointment will be made by the Senate
- One (1) appointment will be made by the House of Representatives

The board of commissioners in the county which the college's main campus is located will elect four (4) trustees. The board of commissioners may delegate the election of one (1) or more trustees to the local board of education of a local school unit within the administrative area of the college. If the election is delegated, the following conditions apply:

1. The delegation will expire at the end of the term of office of the trustee but may be renewed by the board of commissioners.
2. If a college's administrative area contains more than one local school administrative unit, the board of commissioners may delegate the election to the boards of education of those units jointly.
3. If the delegated election has not occurred by May 1 of the year in which the election should be made, the board of commissioners will revoke the delegation and elect the trustee(s).

Vacancy of Trustee Position Prior to Term Expiration

If a local board of trustee position is vacated before the term expires, the Government Relations Office will serve as the point of contact for now and will engage the appropriate legislative chamber to fill the vacant position. The college must notify the System Office's Vice President of Government Relations, Alex Fagg, at fagg@nccommunitycolleges.edu or Deanna Brunner at brunnerd@nccommunitycolleges.edu of a vacancy. The college may also notify the General Assembly of the vacancy as well after they have notified the Government Relations team at the System Office.

In accordance with N.C. Gen. Stat. §120-122, if a vacancy occurs in a seat appointed by the General Assembly while the legislature is in session, the seat will be filled by the General Assembly. If the vacancy occurs while the General Assembly is not in session, the Governor may

appoint a person to serve until the expiration of the term or until the General Assembly fills the vacancy, whichever occurs first.

If a vacancy occurs in a seat that was elected by a local board of county commissioners, the seat will be filled using the process for regular selections. The college should inform their local county board of commissioner of the vacancy to initiate the selection process. The Government Relations team at the System Office may assist or support with the communication regarding filling the vacancy.

If a vacancy occurs in a seat that was elected by a local board of education or appointed by the Governor, the vacancy will be filled as follows:

1. If the vacancy occurs in a term expiring in an odd-numbered year, the House of Representatives will make the appointment.
 - a. If the General Assembly is not in a regular or extra session at the time of the vacancy, the Governor must consult with the Speaker of the House of Representatives before making the appointment for the remainder of the term.
2. If the vacancy occurs in a term expiring in an even-numbered year, the Senate will make the appointment.
 - a. If the General Assembly is not in a regular or extra session at the time of the vacancy, the Governor must consult with the President Pro Tempore of the Senate before making the appointment for the remainder of the term.
3. After receiving the written recommendation for the appointment to fill the vacancy, the Governor will appoint the person recommended within 30 days and cannot reject the recommendation.

Upon the expiration of the term, the seat will be filled in accordance with the Appointment Process section above.

Applications of Interest

Appendices I and II below are the Senate and House of Representatives' application of interest for board of trustee's appointments. All applications must be filled out as instructed and submitted by May 1st of each year. Additional supportive materials are encouraged to be submitted with the application of interest. The submission of an application of interest does not guarantee appointment into the position. The General Assembly will have the final decision on each of their appointments.

The application process may vary by college based on the General Assembly and each local legislative delegation.

Eligibility Requirements for Trustees

1. No member of the General Assembly can be a trustee of a local board of trustees.
2. All trustees must be residents of the administrative area of the institution where they are selected or of counties contiguous to the administrative area.

3. No person who has been employed full time by the community college within the prior 5 years and no spouse or child of a person currently employed full time by the community college can serve on the board of trustees of that college.

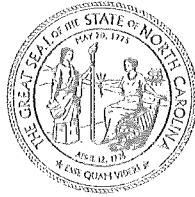
Annual Reporting Requirements

Annually by August 1st, each Board of Trustees is required to submit the following information to the Legislative Library of the General Assembly:

1. Name and address of each trustee
2. County of residence of each trustee
3. The appointing or electing entity of each trustee
4. If a trustee is filling a vacancy, the name of the trustee being replaced
5. Date each trustee's term begins
6. Date each trustee's term ends

Contact Information for General Assembly Appointment Questions and Support

- Senate: 919-301-1733, Darrell.Malcolm@ncleg.gov
- House: 919-733-5466, Julie.Garrison@ncleg.gov
- The System Office Government Relations Team
 - Alex Fagg: Fagg@nccommunitycolleges.edu, 919-621-6718
 - Deanna Brunner: Brunnerd@nccommunitycolleges.edu, 984-302-1823



NORTH CAROLINA GENERAL ASSEMBLY
SENATOR PHILIP E. BERGER
PRESIDENT PRO TEMPORE
NORTH CAROLINA SENATE

Darrell E. Malcolm
Director of Boards and Commissions
Special Assistant to the President Pro Tempore
North Carolina Senate
Darrell.Malcolm@ncleg.gov
919-301-1733

RE: NC Community Colleges Applications

Ladies and Gentlemen:

We are asking that all applications for Senate appointments to Community Colleges be submitted to our office for consideration and processing no later than May 1, 2025.

You may submit more than one application for each Senate slot, but do not combine Senate and House applications. An electronic copy of our application has been provided to Alex Fagg, Vice President of Government and External Relations for distribution. The application is *not* available online. Applicants should answer all questions on the forms and are encouraged to include additional supportive materials. To save time, you may submit the applications electronically to Darrell.Malcolm@ncleg.gov.

For applicants who may be new to Community Colleges appointment procedures and guidelines, please be aware that NC General Statute §115D-12 specifically provides that:

- (a1) No member of the General Assembly shall be a trustee of a local board of trustees.
- (b) All trustees shall be residents of the administrative area of the institution for which they are selected or of counties contiguous to the administrative area.
- (b1) No person who has been employed full time by the community college within the prior 5 years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college.

Please contact my office should you have questions. Notices of appointments will be released after the next appointments bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Malcolm', is written over a horizontal line.

Darrell E. Malcolm

DEM/mk



Application for Appointment to Boards and Commissions

Full name of Board or Commission: (no acronyms please)	Specific Designation, <i>if applicable</i> :
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Prefix	First Name	MI	Last Name	Suffix	
Home Address			City	State	Zip
County		Home Phone #		Personal Email	
Are you a resident of NC? Yes No			If yes, how long have you been a resident of NC?		
Present Employer/Occupation			Job Title		
Business Address			City	State	Zip
Business Phone #			Business Email		
Cell Phone #			Correspondence Preference	Home	Business
Spouse's Name			Spouse's Employer		

EDUCATION HISTORY (Specify school attended, year of graduation and type of degree received, if any)

High School/Equivalence (G.E.D.)
Undergraduate
Graduate/Professional

PROFESSIONAL LICENSE (Identify all of your professional license(s) and provide the information requested. Specify if your license is in a name other than your name listed above)

REFERENCES (List three persons, not related to you, who have known you at least a year)

NAME	ADDRESS	PHONE #

PUBLIC OFFICIAL/OFFICES (List all appointed or elected positions you currently hold on any board, commission, council, authority or other entity created by local, state or federal government)

PLEASE INCLUDE CURRENT RESUME, CV OR BIOGRAPHICAL INFORMATION WITH APPLICATION

Answer each question below. Please attach an additional sheet(s) to explain any "Yes" answers.

CRIMINAL		
1. Have you ever been charged with a felony in North Carolina or elsewhere?	Yes	No
2. Have you ever been convicted of a felony in North Carolina or elsewhere?	Yes	No
3. Have you ever been charged with a misdemeanor, other than a traffic offense, in North Carolina or elsewhere?	Yes	No
4. Have you ever been convicted of a misdemeanor, other than a traffic offense, in North Carolina or elsewhere?	Yes	No
5. Has your driver's license ever been suspended, revoked, or limited?	Yes	No
PROFESSIONAL/EMPLOYMENT		
6. Have you ever had any grievance or complaint filed against you with any board that regulates your professional license(s) or had a professional license suspended, revoked or modified?	Yes	No
7. Have you ever had any sanction or reprimand entered against your professional license?	Yes	No
8. Have you, or any business in which you own a controlling interest, ever been fined or otherwise sanctioned by a local, state or federal agency?	Yes	No
9. Have you ever been disciplined by the board to which you seek appointment?	Yes	No
TAXES		
10. Have you ever failed to file state or federal income tax returns?	Yes	No
11. Are you, or any company in which you or your spouse has a controlling interest, delinquent in paying any local, state or federal taxes?	Yes	No
LOBBYIST		
12. Are you currently a registered lobbyist, have you been a registered lobbyist in the last year, or have you employed a registered lobbyist in the last year?	Yes	No
CONFLICT OF INTEREST/OTHER DISCLOSURES		
13. Are you or your spouse regulated by, licensed by, or engaged in a business relationship with the board to which you are seeking appointment?	Yes	No
14. Do you have any financial interest in any company that does business with the State of North Carolina?	Yes	No
15. Are you, or any entity in which you have a financial or other interest, the recipient of any grant or appropriation from the State of North Carolina?	Yes	No
16. Are you aware of any other information that would be relevant for the President Pro Tempore to know as he considers appointing you to a board or commission?	Yes	No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I release all parties from all liability for any damage that may result from furnishing such information. I understand that failure to fill out this form accurately and truthfully shall subject me to immediate removal.

SIGNATURE _____ DATE _____

Please notify Boards and Commissions Office of any changes in employment or contact information.

Return completed form to: Office of the President Pro Tempore, Boards and Commissions Office,
2000 Legislative Building; 16 West Jones St., Raleigh, NC 27601-2808

To Whom It May Concern:

We are asking that all applications for House appointments to Community Colleges be submitted to our office for consideration and processing no later than May 1, 2025.

You may submit more than one application for each House slot, but do not combine House and Senate applications. An electronic copy of our application has been provided to Alex Fagg, Vice President of Government and External Relations for distribution. The application is *not* available online. Applicants should answer all questions on the forms and are encouraged to include additional supportive materials like a bio, resume or letter of recommendation from the House member in your district. To save time, you may submit the applications electronically to Julie.Garrison@ncleg.gov.

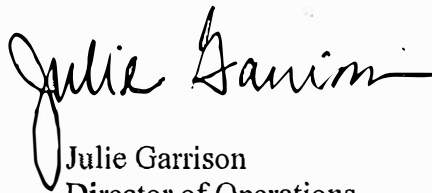
For applicants who may be new to Community Colleges appointment procedures and guidelines, please be aware that NC General Statute §115D-12 specifically provides that:

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- (b) All trustees shall be residents of the administrative area of the institution for which they are selected or of counties contiguous to the administrative area.
- (b1) No person who has been employed full time by the community college within the prior 5 years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college.

Additionally, each trustee must complete a statement of economic interest through the State Ethics Commission each year. To learn more about what is included in this paperwork and how to file it, please visit their website at www.ethics.nc.gov.

Please contact my office at 919-733-5466 if you have questions. Notices of appointments will be released after the next appointments bill.

Sincerely,

A handwritten signature in black ink that reads "Julie Garrison". The signature is fluid and cursive, with the first name "Julie" and last name "Garrison" clearly distinguishable.

Julie Garrison
Director of Operations
Office of the Speaker

Application for Boards and Commissions

N. C. House of Representatives Office of Speaker Destin Hall

BOARD OR COMMISSION FOR WHICH YOU ARE APPLYING:
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First Name		MI	Last Name		Prefix
Home Address			City	State	Zip
County		Home Phone #		Personal Email	
Congressional District	Senate District		House District	Registered Voter:	Yes No
Are you a resident of NC? Yes No			If yes, how long have you been a resident of NC?		
Present Employer/Occupation			Job Title		
Business Address			City	State	Zip
Business Phone #			Business Email		
Cell Phone #			Correspondence Preference: Home Business		
Spouse's Name			Spouse's Employer		

EDUCATION HISTORY (Specify school attended, year of graduation and type of degree received, if any)

High School/Equivalence (G.E.D.)
Undergraduate
Graduate/Professional

PROFESSIONAL LICENSE (Identify all of your professional license(s) and provide the information requested. Specify if your license is in a name other than your name listed above.)

Type of License	License #	Issuance Date	Has the license been continuously active since issuance?

REFERENCES (List three persons, not related to you, who have known you at least a year.)

NAME	ADDRESS	PHONE #

PUBLIC OFFICIAL/OFFICES (List all appointed or elected positions you currently hold on any board, commission, council, authority or other entity created by local, state or federal government.)

Answer each question below. Please attach an additional sheet(s) to explain any "Yes" answers.

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1. Have you ever been charged with a felony in North Carolina or elsewhere?	Yes_____	No_____
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5. Has your driver's license ever been suspended, revoked, or limited?	Yes_____	No_____
<u>PROFESSIONAL/EMPLOYMENT</u>		
6. Have you ever had any grievance or complaint filed against you with any board that regulates your professional license(s) or had a professional license suspended, revoked or modified?	Yes_____	No_____
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<u>LOBBYIST</u>		
12. Are you currently a registered lobbyist, have you been a registered lobbyist in the last year, or have you employed a registered lobbyist in the last year?	Yes_____	No_____
<u>CONFLICT OF INTEREST/OTHER DISCLOSURES</u>		
13. Are you or your spouse regulated by, licensed by, or engaged in a business relationship with the board to which you are seeking appointment?	Yes_____	No_____
14. Do you have any financial interest in any company that does business with the State of North Carolina?	Yes_____	No_____
15. Are you, or any entity in which you have a financial or other interest, the recipient of any grant or appropriation from the State of North Carolina?	Yes_____	No_____
16. Are you aware of any other information that would be relevant for the Speaker of the House to know as he considers appointing you to a board or commission?	Yes_____	No_____

I certify that the facts contained in this application are true and correct to the best of my knowledge. I release all parties from all liability for any damage that may result from furnishing such information. I understand that failure to fill out this form accurately and truthfully shall subject me to immediate removal.

SIGNATURE _____ DATE _____

Return completed form to: Office of the Speaker; Attn: Boards and Commissions; 16 West Jones Street, Legislative Building Suite 2307; Raleigh, NC 27601-1096, via fax to (919) 715-0772, or email to Julie.Garrison@ncleg.gov