



**A-B Tech/Buncombe County Joint Capital
Advisory Committee
By-Laws**

I. Purpose:

To establish the general operating procedure for the A-B Tech/Buncombe County Joint Capital Advisory Committee. The charge of this committee shall be to review College requests for capital investments in College facilities from Article 46 Funds pursuant to the *“Memorandum of Understanding between the County of Buncombe and the Board of Trustees of Asheville-Buncombe Technical Community College”* dated March 12, 2019. Proposals for the expense of Article 46 funds shall be approved, first by the Board of Trustees, and then advanced to the Joint Capital Advisory Committee for review and subject to Committee approval, conveyance to the County Board of Commissioners (hereafter “Board of Commissioners”) for final approval. Any modification that the Joint Capital Advisory Committee makes to a College proposal for funding shall be returned to the Board of Trustees for reconsideration.

II. Procedure Statement:

A. Name and Office

The name of this organization is the A-B Tech/Buncombe County Joint Capital Advisory Committee (hereinafter “Committee”).

B. Membership

The Committee shall consist of five (5) member and shall be appointed as follows: two (2) trustees appointed by the Asheville-Buncombe Technical Community College Board of Trustees, two (2) commissioners appointed by the Buncombe County Board of Commissioners, and one (1) member appointed by the other four appointees.

C. Terms

Members of the Committee shall serve 2-year terms. A member appointed by the Board of Trustees shall serve at the pleasure of that Board. A member appointed by the Board of Commissioners shall serve at the pleasure of that Board. The member appointed by the other appointees shall serve at the pleasure of the majority of the other appointees. Any vacancy shall be filled by the appointing authority of the member creating the vacancy to fill the unexpired term. All members shall serve until their successors are appointed.

D. Officers

1. Chair and Vice-Chair

The Committee members shall appoint a Chairperson and Vice-Chairperson from its membership by majority vote to serve a one (1) year term and until his or her successor is appointed. Said appointments shall be made during the first regularly scheduled meeting of each fiscal year and shall take effect immediately upon the successful majority vote.

2. Recording Secretary

The Committee members shall appoint a non-voting recording secretary by majority vote to serve a one (1) year term and until his or her successor is appointed. Said appointment shall be made during the first regularly scheduled meeting of each fiscal year and shall take effect immediately upon the successful majority vote.

3. Staff Representation

The Committee may request the assistance of staff and agents of the Board of Trustees and/or the Board of Commissioners in fulfilling its duties.

E. Commission Meetings

1. Regular Schedules

- a) The Committee shall hold a regular, annual meeting in February of each year. Other meetings may be called by the Chairperson and Vice- Chairperson, as needed, to review a request from the College for the expenditure of Article 46 Funds.

- b) In accordance with North Carolina's open meetings laws, both the County and the College will give timely public notice of all committee meetings (a minimum of 48 hours advance notice) and the Committee will keep minutes of all proceedings.

2. Agenda

The Secretary, at the direction of the Chairperson, shall have administrative oversight in preparing the agenda for the meeting. The Committee will not entertain public comment; however, by majority vote, the Committee can agree to hear from any individual or group regarding an item of business.

3. Presiding Officer

The Chairperson of the Committee shall preside at Committee meetings if he or she is present. If the Chairperson is absent, the Vice-Chairperson shall preside. If the Chairperson and Vice-Chairperson are both absent, another member of Commission designated by a majority vote of members present at the meeting shall preside. The Presiding Member shall have the following powers:

- To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- To call a brief recess at any time;
- To adjourn in an emergency;
- To report all advisory recommendations of the Committee to the Chairperson of the Board of Trustees and the Chairperson of the Board of Commissioners in writing within twenty-four (hours) of action by the Committee

4. Quorum

A quorum shall be three members of the Committee. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall be counted as present for purposes of determining whether or not a quorum is present.

5. Voting

- No vote may be taken without a quorum being present.

Upon good cause shown, and with the general consent of the members present, a member may make an appearance at a regular meeting by telephone and vote on any matter coming before the Committee at such meeting. The member shall be counted as present for purposes of determining a quorum. However, if a quorum is not physically present, the meeting shall be deemed to be an electronic meeting requiring compliance with Open Meetings Law mandate that the public be allowed to attend the meeting electronically, as well.

6. Minutes

The Secretary shall prepare minutes of each Committee meeting. Copies of the minutes shall be made available to each Committee member at least 48 hours before the next Committee meeting. At each meeting, the Committee shall review the minutes of the previous meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The Board of Trustees and the Board of Commissioners shall maintain minutes of the meetings.

F. Amendments to Operating Procedures

These By-Laws may be amended at any regular meeting or at any properly called special meeting that includes amendment of the By-Laws as one of the stated purposes of the meeting. A quorum must be present at the meeting at which amendments are discussed and approved, and any amendments must be approved by a majority of the members present at the meeting.

G. Other Procedural Matters

1. Action by the Committee

- a) The Committee shall proceed by motion. Any member, including the Chairperson, may make a motion.
- b) A member may make only one motion at a time.
- c) A substantive motion is out of order while another substantive motion is pending.
- d) A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.
- e) The Chair shall state the motion and then open the floor to debate on it.

The Chair shall preside over the debate according to these general principles:

- i. The introducer (the member who makes the motion) is entitled to speak first;
- ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- iii. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

2. In addition to substantive proposals, the following procedural motions, and no others shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.
3. In order of priority (if applicable), the procedural motions are:
 - a) **To Adjourn.** The motion may be made at any time by a member of the Commission and would require a majority vote.
 - b) **To Take a Recess.**
 - c) **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or it is waived.
 - d) **To Suspend the Rules.** The motion requires a vote equal to a quorum.
 - e) **To Divide a Complex Motion and Consider It by Paragraph.**
 - f) **To Defer Consideration.** A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.
 - g) **Call of the Previous Question.** The motion is not in order until every member of the Commission has had at least one opportunity to speak.
 - h) **To Postpone to a Certain Time or Day.**
 - i) **To Revive Consideration.** The motion is in order at any time (100 days) after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires (100 days) after the deferral unless a motion to revive consideration is adopted.
 - j) **To Reconsider.** The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation or a pending matter but is in order at any time before adjournment.
 - k) **To Rescind or Repeal.**
 - l) **To Ratify.**
 - m) **To Renew a Motion.** A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
 - n) **Withdrawal of a Motion.** A motion may be withdrawn by the introducer at any time before a vote.
 - o) **Duty to Vote.** Once a meeting has been convened, every member, including the Chairperson, must vote unless excused by a majority vote of those members present. A member who wishes to be excused from voting shall so inform the Chairperson, who shall take a vote of the remaining members. The Commission may excuse a member from voting, but only upon questions involving his or her own financial interest or his or her official conduct or on matters on which the member is prohibited from voting under N.C. Gen. Stat. § 14-234. Refusal to vote (without just cause) shall be recorded as an affirmative vote.

H. Compliance with North Carolina Law

In conducting its business, the Committee shall comply with all applicable North Carolina laws, including but not limited to, open meetings laws and public records laws.

III. Reference to Robert's Rules of Order

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Committee shall refer to Robert's Rules of Order for unresolved procedural questions.