



School Capital Fund Commission for Buncombe County Bylaws

<input checked="" type="checkbox"/>	Countywide or		Department:	<input checked="" type="checkbox"/>	Division: Commission
Supersedes: 07/08/2019				Effective Date: 03/11/2024	
Authority: General Assembly of North Carolina Session Law 2016-19					

I. Purpose: To establish the general operating procedure for the School Capital Fund Commission for Buncombe County in compliance with state law.

II. Procedure Statement:

A. Name and Office

The name of this organization is the School Capital Fund Commission for Buncombe County (hereinafter "Commission"). The principal office of the Commission is located at the Buncombe County Administration Building, 200 College St., Asheville, NC 28801.

B. Membership

The Commission shall consist of five (5) members and shall be appointed as follows: one (1) appointed by the Asheville City Board of Education, one (1) appointed by the Buncombe County Board of Education, two (2) appointed by the Buncombe County Board of Commissioners, and one (1) appointed by the other four appointees.

C. Terms

Members of the Commission shall serve 2 year terms. A member appointed by a local governing board or a school board 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.

D. Officers

1. Chair and Vice-Chair

The Commission 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 by the commission. 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. Secretary

The Commission members shall appoint a secretary by majority vote to serve a one (1) year term and until his or her successor is appointed by the commission. 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. Finance Officer

The finance officer for Buncombe County shall be the finance officer of the Commission. The county finance officer shall give bond for the faithful performance of his or her duties as the finance officer of the Commission in an amount determined by the Commission. The finance officer of the Commission shall manage the funds of the Commission only as directed by the Commission.

4. Attorney

The Commission may select and appoint an attorney to the Commission and fix his or her compensation, such attorney to serve at the pleasure of the Commission.

E. Commission Meetings

1. Regular Schedules

a) The Commission shall operate on a fiscal year cycle. The Commission shall hold an organizational meeting beginning at 3:00 p.m. on the third Monday of July at which time and place the Commission will schedule its regular meeting schedule for the next fiscal year. The Commission will hold at least four (4) regular meetings per fiscal year inclusive of the July regular meeting referenced above. Meetings will be held in the County Administration Building, 200 College St., Asheville, NC 28801.

b) In accordance with North Carolina's open meetings laws, the schedule of regular meetings shall be filed with Clerk to the Buncombe County Board of Commissioners and posted on Buncombe County's Website.

2. Special Meetings

a) The Chairperson or three of the members of the Commission may at any time call a special meeting of the Commission by signing a written

notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be mailed, emailed, or delivered to the Chairperson and all of the Commission members or left at the usual dwelling place of each member at least 48 hours before the meeting and shall cause a copy of the notice to be posted at the door of its usual meeting room and on the building in an area accessible to the public at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

- b) If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, the person or persons who call an emergency special meeting shall take reasonable action to inform the other members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

3. Agenda

The Secretary shall have administrative oversight in preparing the agenda for the meeting. Any individual or group who wishes to have an item of business placed on the agenda shall make a request to be on the agenda to the Secretary no later than two (2) weeks prior to the next scheduled meeting. The request must be in writing and must state the nature of the matter so that the Secretary or appropriate staff will have an opportunity to respond to the area of concern. If appropriate, the Secretary will resolve the request and, if not, the Secretary will determine when the individual or group should be placed on the agenda. The time limit for any individual or representative addressing the Commission shall be five minutes, unless a majority of the Commission agrees to additional time. The Commission may by unanimous vote add an item that requires immediate action that is not on the agenda.

4. Public Comment

There shall be a public comment period at the beginning of every regular meeting limited to three minutes for any individual or representative addressing the Commission. Section XIII of the Policies and Procedures for the Buncombe County Board of Commissioners regarding public comment is incorporated by reference herein and the Commission reserves the right to invoke its contents, in whole or in part, from time to time, at the discretion of the presiding Commission Member.

5. Presiding Officer

The Chair of the Commission shall preside at Commission meetings if he or she is present. If the Chair is absent, the Vice-Chair shall preside. If the Chair and Vice-Chair 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.

6. Quorum

A quorum shall be three members of the Commission. 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.

7. 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 Commission at such meeting. Such appearance will not count toward calculation of the necessary members present to constitute a quorum.

8. Minutes

The Secretary shall prepare minutes of each Commission meeting. Copies of the minutes shall be made available to each Commission member before the next regular Commission meeting. At each regular meeting, the Commission shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Commission meeting minutes at the County Administration Building, 200 College St., Asheville, NC 28801.

F. Amendments to Operating Procedures

These operating procedures may be amended at any regular meeting or at any properly called special meeting that includes amendment of the operating procedures 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 Commission

- a) The Commission 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 Chairperson shall state the motion and then open the floor to debate on it.

The Chairperson 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 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 Refer to a Committee.** Sixty days after a motion as been referred to a committee, the introducer may compel consideration of the measure by the entire Commission, regardless of whether the committee has reported the matter back to the Commission.
- j) **To Amend.** An Amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion. Any amendment to a proposed ordinance shall be reduced to writing on the call of any member, including the Chairperson.
- k) **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.
- l) **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.
- m) **To Rescind or Repeal.**
- n) **To Ratify.**
- o) **To Prevent Reconsideration for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months.
- p) **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.
- q) **Withdrawal of a Motion.** A motion may be withdrawn by the introducer at any time before a vote.
- r) **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. For purposes of this rule, the question of the compensation and allowances of members of the Commission does not involve a member's own financial interest or official conduct. Refusal to vote (without just cause) shall be recorded as an affirmative vote.

H. Compliance with North Carolina Law

In conducting its business, the Commission shall comply with all applicable North Carolina laws, including but not limited to open meetings laws, public records laws, and the laws setting forth the powers and duties of local Commissions. To assist the Commission in compliance, the Secretary shall maintain a current copy of relevant North Carolina General Statutes and make them available to Commission members on request.

III. Applicability and Exceptions: This procedure applies to current members of the School Capital Fund Commission for Buncombe County

IV. Procedure Responsibility and Management:

- This procedure should be reviewed annually by the Commission and the County's legal department.
- New Commission members will receive a copy of the Commission Operations Manual and review it as part of their orientation.

V. 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 Commission shall refer to Robert's Rules of Order for unresolved procedural questions.