



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Peter Hans, President

23 July 2019

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, Financial Aid Officers, Planners, Public Information Officers, Registrars, Student Development Administrators, & Other Interested Parties

FROM: Jonathan R. Harris, *NCCCS General Counsel*

RE: Amendment of 1H SBCCC 400.4 – Capital Project Approval and Obtaining Capital Funds

On 17 May 2019, the State Board of Community Colleges completed the rulemaking process and voted to amend **1H SBCCC 400.4 – Capital Project Approval and Obtaining Capital Funds**. The amendment codifies the System President’s authority to approve college capital improvement projects in certain circumstances, as recommended by the Governance Committee of the State Board of Community Colleges.

The amended rule will be effective 1 August 2019. It will be published on the NC Community College System’s website, www.nccommunitycolleges.edu/sbcccode. For your convenience, a copy of the amended rule is attached to this memorandum. To see the amendments to the rule, click on the underlined date on page 3, line 1.

**CC19-035
E-mail Copy**

Attachment

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

1

Amended Eff. [August 1, 2019.](#)