



Area Commission

**BY-LAWS
PIEDMONT TECHNICAL COLLEGE
AREA COMMISSION**

Approved: June 15, 2010

Article I. Authority

1.1 Authority of the Area Commission

The Piedmont Technical Education Commission is established by Act. No. 234 of the General Assembly of the State of South Carolina dated May 24, 1963. The activities of the Commission are conducted to fulfill legislative requirements to make available and operate adequate facilities, and also provide for adequate local supervision and conduct a program of technical education and training.

1.2 Authority of Individual Members

Only the Area Commission has authority to take formal action on matters of official concern. Individual members are not empowered to act upon such matters or to speak for the Area Commission unless specifically authorized to do so by the Area Commission acting in its corporate capacity. Such authority will be contained in an appropriate document and attested by the signature of the Secretary of the Area Commission. Members shall not subject themselves to undue pressure from political, religious, or other external bodies.

1.3 The Exercise of Authority

The Area Commission is essentially a legislative, not an executive, body. Its primary function is the determination of policy that is consistent with and supportive of statewide policy and administration as determined by the State Board for Technical and Comprehensive Education. Within the policy guidelines established by the Area Commission and the State Board for Technical and Comprehensive Education, the President is solely responsible for operating the College. He will be given authority fully commensurate with that responsibility. The Area Commission will deal directly with the President or, if appropriate, the Executive Director of the State Board for Technical and Comprehensive Education on College matters.

Article II. Membership

2.1 Composition of Membership

The Commission shall consist of one member from each of the counties of Edgefield, McCormick, Newberry, and Saluda: two members from the counties of Abbeville and Laurens, and four members from Greenwood County.

2.2 Appointment of Members

Each member shall be appointed by the Governor upon the recommendation of a majority of the legislative delegation of their county. If any vacancy shall occur, a successor shall be appointed in like manner to serve for the balance of the unexpired term. Appointment will be reflected in the minutes of the first meeting attended by the new members. A transcript of the record of the organization of the Commission shall be filed annually with the governing body of any participating county to reflect the membership of the Commission and its officers.

2.3 Term of Office

The term of office is four years ending on the appropriate anniversary of July 1, 1973, or as provided by the Governor's appointment, notwithstanding that a delay in making appointments shall lessen the duration of the terms of office. Based on original appointments, members are appointed to the Area Commission on a differentiated schedule, thereby assuring proper rotation. Not more than four appointments are made in any given year. Continuity in membership is assured by virtue of four year terms and by the opportunity for reappointment.

2.4 Notification of Legislative Delegation of Expiration of Term of Office

The Chair of the Area Commission will notify the appropriate legislative delegation, three months prior to the termination of appointments of commissioners from their county. The Area Commission may furnish nominations for replacement members, it being understood that all nominations are at the pleasure of the delegation subject to final appointment by the Governor.

2.5 Member Removal

A member who has been indicted by a grand jury for a crime involving moral turpitude may be suspended by Order of the Governor until acquitted. In the event of a conviction, the office shall be declared vacant, and the vacancy filled under paragraph 2.2 herein. A member may be removed for incapacity, misconduct, or neglect of duty through Executive Order by the Governor upon recommendation by a majority vote of the Area Commission.

2.6 Conflict of Interest

Members are prohibited from using their position or influencing an Area Commission decision to obtain an economic interest for themselves, a member of their immediate family, an individual with whom they are associated, or a business with which they are associated.

Members, who in the discharge of their official responsibilities, are required to take an action which affects an economic interest of themselves, a member of their immediate family, an individual with whom they are associated, or a business with which they are associated shall:

- (1) prepare a written statement describing the matter requiring action or decisions and the nature of their potential conflict of interest with respect to the action or decision,
- (2) furnish a copy of the statement to the Area Commission Chairman who shall cause the statement to be printed in the minutes and shall require that the member be excused from the meeting during the period of any votes, deliberations, or other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes.

The provisions of this section do not apply to an Area Commissioner's incidental use of public materials, personnel, or equipment, subject to or available for a public official's or public employee's use which does not result in additional public expense.

Article III. Offices of the Area Commission

3.1 Required Offices

The Area Commission shall be composed of the following officers: Chair, Vice-Chair, and Secretary. Other offices may be established as deemed necessary by the Area Commission.

3.2 Selection of Officers

Officers are selected from among the duly appointed members of the Area Commission. A vote of not less than seven-twelfths of the membership is prerequisite to appointment. A motion to recall an officer must likewise be supported by a vote of seven-twelfths of the Area Commission.

3.3 Term of Office

Officers will serve a term of one year and until their successors are elected. Officers are elected in July of each year and may not serve in any one position for more than four consecutive terms of office. Officers currently serving as of the date of enactment of these by-laws may serve a total of four consecutive terms if elected.

3.4 Duties of Officers

3.4 A The Chair will:

- (1) Provide leadership to the Area Commission in conducting its business.
- (2) Preside at all meetings.
- (3) Call special meetings as requested.
- (4) Appoint members to the committees.
- (5) Act as the official spokesperson for the Area Commission
- (6) Sign all documents which affect actions of the Area Commission.
- (7) Perform such other duties as may be required by the law or by action of the Area Commission.

3.4 B The Vice-Chair will:

Act as Chair when the Chair is absent. In the event the Chair resigns or becomes permanently incapacitated the Vice-Chair will serve as Chair until a new Chair is elected.

3.4 C The Secretary will:

- (1) Maintain official records of the Area Commission.
- (2) Be responsible for the preparation of the minutes of each meeting of the Area Commission.
- (3) Furnish each member of the Area Commission a copy of the minutes from the previous meeting at least one day prior to any scheduled meeting.

Article IV. Duties of the Area Commission

The duties of the Area Commission derive from its powers as specified in the enabling legislation.

4.1 The Area Commission shall:

- (1) Adopt and use a corporate seal.
- (2) Adopt such by-laws, rules and regulations for the conduct of business and the expenditure of funds as it may deem desirable.
- (3) Acquire sites and construct and equip thereon appropriate facilities in accordance with §59-53-50(7) SC Code Ann. (Law. Co-op 1976, as amended), all real property is the possession of the Area Commission regardless of the source of funds for its purchase or construction, except for those campuses currently owned by the State. All personal property purchased with local funds is the possession of the Area Commission.
- (4) Acquire by gifts, purchase or otherwise all kinds and descriptions of real and personal property.
- (5) Accepts gifts, grants, donations, devises, and bequests.
- (6) Provide appropriate supervision of the maintenance of any facility established to promote post-secondary vocational, technical, and comprehensive education.
- (7) Exercise responsibility for the operation, maintenance, and improvement of institutional facilities.
- (8) Employ the college's chief executive officer from a list of at least three candidates approved by the Executive Director of the State Technical Education System and recommended by a committee consisting of the Chair of the Area Commission, or designee; the Chair of the State Board for Technical and Comprehensive Education, or designee; and one technical college president appointed by the two aforementioned persons.
- (9) Employ the chief executive officer and such other personnel as it deems necessary.
- (10) Establish, promulgate, and enforce reasonable rules and regulations for the operation of facilities.
- (11) Operate its affairs on a fiscal year beginning on July first of each year and ending on June thirtieth of the succeeding calendar year.
- (12) Expend any funds received in a manner consistent with the approved budget and in accordance with the purposes for which the funds were made available, including the proceeds derived from any bonds issued by the county or counties to defray from any costs incident to the establishment of adequate facilities for the program and thereafter to expend such funds for the operation, maintenance, and improvement of the facilities.
- (13) Exercise the right of eminent domain in the geographical area served by the institution.
- (14) Apply for, receive, and expend monies from all state, local, and federal government agencies. In addition, through its foundation the college will seek and administer funds and other gifts from private, non-governmental sources.

- (15) Keep full and accurate accounts of receipts and expenditures and make a monthly report in accordance with uniform procedures established for the system, and within ninety days following the close of the fiscal year cause a complete audit of institutional affairs to be made by an independent certified public accountant with copies of the audit report and related documents to be delivered concurrently to the Area Commission and the State Board. The Area Commission shall make copies available to legislative delegations or county governing bodies participating in the funding of the institution.
- (16) Prepare and submit budgets for review by the county governing body's participating in the funding of the institution and to the Board for approval in accordance with the methods and procedures established by each of the bodies or agencies involved. Local tax revenue budgets shall require the approval of the county governing bodies.
- (17) Award certificates, diplomas, and associate degrees to students who successfully complete authorized and prescribed courses and programs of study and training.
- (18) Exercise such other powers as may be provided for them by the legislation which established and regulates the particular Area Commission.
- (19) Enter into such contracts as may be necessary to carry out the purposes of the college.
- (20) The Area Commission will periodically review the qualifications of key faculty and staff appointments in the interest of insuring high-quality administration and instruction.
- (21) Determine total amount and proration of amounts requested from the supporting counties.
- (22) Review budgets, financial plans, and related documents and provide guidance to the President concerning financial matters.
- (23) Provide for administration of funds and property to insure proper use and accountability.
- (24) Resist any inappropriate pressure from external parties and protect the college administration from such pressure.

4.2 Borrowing by Piedmont Technical Education Commission

The Area Commission may borrow for capital improvements from a federal or any other lending agency as **provided by §59-53-53 S.C. Code Ann. (Law. Co-op. 1976, as amended)**.

4.3 Audits

The Area Commission shall furnish to the members of legislative delegations and county governing bodies which provide county funds an annual audit of the receipts and expenditures of the college.

Article V. Meetings

5.1 Regular Meetings

The Area Commission will meet on a regularly scheduled monthly basis at a time announced by the Chair.

5.2 Special Meetings

Special meetings will be held at the call of the Chair at the time and place they designate. Such meetings will be called by the Chair when requested to do so by a majority of the members of the Area Commission or by the College President.

5.3 Place of Meetings

Area Commission meetings will be held in the Board Room of Piedmont Technical College on the Lex Walters Campus unless otherwise directed by the Chair. Meetings shall be open to the public and notice of Area Commission meetings shall be given in accordance with the South Carolina Freedom of Information Act. The Chair shall have the power and authority to maintain order and decorum during any meeting.

5.4 Executive Session

The Commission reserves the right to go into Executive Session by a majority vote of Commission Members present and voting, subject to a quorum being present. Upon a vote in the affirmative to go into Executive Session, the Chair must announce the specific purpose of the executive session as provided in §30-4-70 S.C. Code Ann. (Law. Co-op. 1976, as amended).

5.5 Meeting Agenda

A meeting agenda will be prepared by the College President and approved by the Commission Chair.

5.6 Rules of Conduct

Meetings will be governed by *Roberts' Rules of Order*.

5.7 Quorum

A majority of the members constitutes a quorum. No meeting will be convened unless a quorum is present.

5.8 Motions

All matters requiring decisions by the Area Commission shall be presented in the form of a motion. Such motions, when seconded, will be voted upon. Commission approval requires a favorable vote by a majority of the members of the Commission. The minutes will reflect the name of the member making the motion, the name of the member seconding, and the results of the vote. Voice vote will normally be used unless a roll call vote is requested by a majority of the Commission members.

5.9 Attendance of President

The President will attend all meetings of the Area Commission. The President may, at the discretion of the Chair, be excused from attending for reasons of pressing personal or official business. Additionally, the President may be excused from the meeting to discuss issues of the President's performance or compensation.

5.10 Minutes

Minutes which accurately reflect the events of each meeting will be prepared by or under the direction of the Secretary and will be placed in a permanent book which will be maintained in the executive office of the College. They will be signed by the Secretary and then approved by the Chair.

Article VI. Committees

6.1 Standing Committees

The following standing committees are established by the Area Commission with duties as indicated.

6.1 A Facilities Committee

The Facilities Committee will study needs for new construction and for renovation or rehabilitation of existing structures in consultation with the President and make appropriate recommendations to the Area Commission. Functional and aesthetic factors will be given due consideration in formulating recommendations.

6.1 B Fiscal Committee

The Fiscal Committee will review all financial records including budgets, audits, and other appropriate documents for consistency with good practice and with policies of the Area Commission. It will make appropriate recommendations to the Commission concerning financial matters that come before it.

6.1 C Personnel Committee

The Personnel Committee shall consider and recommend policy and procedures relating to personnel matters.

6.1 D Education Committee

The Education Committee shall consider and recommend policy and procedures relating to instructional programs, student personnel services, and manpower programs.

6.1 E Executive Committee

The Executive Committee shall be composed of the Commission Chair, Vice-Chair, and Secretary. The Executive Committee shall be empowered to act on behalf of the Commission, subject to ratification of the full Commission at the next regularly scheduled meeting.

6.2 Ad Hoc Committees

Ad hoc committees may be established by the Chair as deemed necessary. Such committees will dissolve upon accomplishment of their purposes.

6.3 Committee Membership

Membership on committees, both standing and ad hoc, will be designated by the Chair who shall also appoint committee chairs.

Article VII. Amendment of By-laws

These by-laws may be altered, repealed, and amended or added to by a majority vote of all members of the Area Commission at any regular meeting or at any special meeting called for that purpose. Any proposed change in the by-laws must be presented to the Area Commission at least one week prior to the time at which it is formally considered. A particular by-law may be temporarily suspended by unanimous vote provided all members are present and voting.