

HORRY-GEORGETOWN TECHNICAL COLLEGE

# POLICY

Number: 1.2.2  
Title: Constitution and Bylaws  
Authority: Title 59, Chapter 53, Sections 810-860 of the  
1976 Code of Laws of South Carolina, as Amended  
Responsibility: President  
  
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Chairperson

## **CONSTITUTION AND BYLAWS OF THE HORRY-GEORGETOWN TECHNICAL COLLEGE COMMISSION**

### **ARTICLE I: AUTHORITY**

#### Section 1: Authority of the Area Commission

The Horry Georgetown Technical College Commission, also known as the Area Commission, was established by An Act To Amend Act 993 of 1964, Relating To The Horry County Commission For Technical Education, So As To Include Georgetown County No. 1079 of the General Assembly of the State of South Carolina, approved June 8, 1966. The activities of the Commission are conducted to fulfill legislative requirements to make available and operate adequate facilities and to provide local supervision for a program of technical and comprehensive education and training.

#### Section 2: The Exercise of Authority

The Area Commission is essentially a legislative, not an executive body. Its primary function is the determination of policy and administration as determined by the State Board for Technical and Comprehensive Education and the employment and evaluation of the performance of the President. Within the policy guidelines established by the Area Commission and the State Board of Technical and Comprehensive Education, the College President is singularly responsible for the operation of the College. The President will be given authority fully commensurate with that responsibility. The Area Commission will deal directly with the College President only, or if appropriate, the System President of the State Board on College matters.

## **ARTICLE II: MEMBERSHIP**

### Section 1: Composition of Membership

The Commission shall consist of six qualified registered electors from Horry County and three qualified registered electors from Georgetown County.

### Section 2: Appointments

Members from Horry County shall be appointed by the Governor upon recommendation of a majority of the Legislative Delegation. Members from Georgetown County shall be appointed by or upon the recommendation of a majority of the members of the governing body of the Georgetown County Delegation according to the South Carolina Code of Laws Section 59-53-810.

### Section 3: Terms of Office

The term of office shall be three years for Horry County members, and according to current State statutes, three years for Georgetown County Members. If any vacancy shall arise, a successor shall be appointed by the Governor for the balance of the un-expired term in the same manner as the original appointments were made. The members of the Commission shall hold office until their successors have been appointed and shall qualify.

## **ARTICLE III: OFFICE**

### Section 1: Offices of the Area Commission

The following are by law, Section II, Act No. 1078, of the General Assembly of the State of South Carolina, established as offices of the Area Commission; Chairperson, Vice-Chairperson and Secretary. Other offices may be established as deemed necessary by the Area Commission.

The Chair Emeritus is an honorary office that may be recommended by the Chairperson in recognition of significant years of service and/or contributions to the effective operation of the Area Commission. The Chair Emeritus will serve in this capacity for as long as they remain on the Area Commission. The Chair Emeritus will also serve as a member of the Executive Board.

### Section 2: Selection of Officers

Officers are selected from among the duly appointed members of the Area Commission. A vote of not less than a majority of the membership is prerequisite to appointment. A motion to recall an officer must likewise be supported by a vote of 3/4 of the Area Commission. Members must serve on the Commission for two years in order to be eligible to hold an office. The candidate for Chair Emeritus must be a member of the Area Commission with at least eighteen (18)

consecutive years of service and must also have served on the Executive Board of the Area Commission as Chairperson and/or Vice-Chairperson for a period of not less than twelve (12) of those eighteen (18) years in order to be eligible to be recommended for the office. Upon recommendation by the Chair Person, the candidate for Chair Emeritus must be ratified by a vote of 3/4 of the Area Commission.

### Section 3: Terms of Office

Officers will be elected for a term of one year and may succeed themselves.

### Section 4: Duties of Officers

- A. The chairperson will provide leadership to the Area Commission in the conduct of its business.
  - 1. Preside at all meetings.
  - 2. Call special meetings as required.
  - 3. Appoint members to committees.
  - 4. Act as official spokesperson for the Area Commission.
  - 5. Sign all documents that affect actions of the Area Commission.
  - 6. Perform such duties as may be required by law or by actions of the Area Commission.
  
- B. The Vice-Chairperson will
  - 1. Act as a Chairperson when the Chairperson is absent.
  - 2. In the event the Chairperson is permanently incapacitated, the Vice-Chairperson will serve as Chairperson only until the electing of a new Chairperson, which will be done at the next regular meeting.
  
- C. The Secretary will
  - 1. Maintain official records of the Area Commission.
  - 2. Be responsible for the approval of the minutes submitted at each meeting of the Area Commission.

3. Furnish each member of the Area Commission with a copy of the minutes of each regular or called meeting.
4. Oversee an Area Commission policy file.

D. The Chair Emeritus will

1. Serve as a member of the Executive Board
2. Serve as an advisor to the Area Commission Chairperson

Section 5: Powers and Duties of the Area Commission

The powers and duties of the Area Commission as specified in the authorizing legislature, 59-53-52 of the General Assembly of the State of South Carolina, approved June 14, 1963 as specified in South Carolina Code Annotated, 59-53-52 (1976), as amended.

- A. Employ the respective technical college president, who shall be employed at the will of the Area Commission in accordance with current State Board Policy.
- B. Approve annual planning document of the President, conduct an annual evaluation of the President.
- C. Adopt and use a corporate seal.
- D. Adopt such bylaws, rules and regulations for the conduct of business and the expenditure of their funds, as they may deem desirable.
- E. Acquire sites and construct and equip thereon appropriate facilities in accordance with item (7) of 59-53-50; 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.
- F. Acquire by gift, purchase or otherwise, own, and sell all kinds and descriptions of real and personal property.
- G. Accept gifts, grants, donations, devises and bequests.
- H. Provide appropriate supervision of the maintenance of any facility established to promote post-secondary vocational, technical and comprehensive education.
- I. Exercise responsibility for the operation, maintenance and improvement of institutional facilities.

- J. Employ such other personnel as may be deemed necessary.
- K. Establish, promulgate and enforce reasonable rules and regulations for the operation of their facilities.
- L. Operate the affairs on a fiscal year beginning on July 1 each year and ending June 30 of the succeeding calendar year.
- M. Expend any funds received in any 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 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.
- N. Exercise the right of eminent domain in the geographical area served by each respective institution.
- O. Apply for, receive and expend monies from all state, local and federal governmental agencies.
- P. Keep full and accurate accounts of receipts and expenditures and make monthly reports 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 and copies of the audit report and related document to be delivered concurrently to the Area Commission. The Area Commission shall make copies available to legislative delegations or county governing bodies participating in the funding of the institution.
- Q. Prepare and submit budgets for review by the county governing bodies participating in the funding of the individual institutions 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.
- R. Award certificates, diplomas and associate (but not baccalaureate) degrees to students who successfully complete authorized and prescribed courses and programs of study and training.
- S. Enter into operating contracts that may as necessary, carry out the purposes of the College.
- T. Exercise such other powers as may be provided for them by the legislation, which established and regulates the particular area commission.

- U. Review and annually evaluate its responsibilities, duties, and expectations. The Board, as a unit, will conduct an annual evaluation at the June Area Commission meeting for the purpose of self-assessment. The Board will use the results of the evaluation for the purpose of continuous improvement.

#### Section 6: Removal of Area Commission Member

The removal of an Area Commission member shall be made by the Governor and in compliance with Section 1-3-240 & 1-3-245 for of the SC Code of Laws, Title I, Chapter 3.

### **ARTICLE IV: MEETINGS**

#### Section 1: Regular Meetings

The Area Commission will establish an annual meeting schedule at its June meeting.

#### Section 2: Special Meetings

Special meetings shall be held at the call of the Chairperson at the time and place the President designates. Such meetings shall be called by the Chairperson at the request of the majority of the members of the Area Commission, or by the President.

#### Section 3: Executive Sessions

Meetings will be held as executive sessions at the discretion of the Chairperson when topics of unusual sensitivity are discussed.

#### Section 4: Meeting Agenda

The meeting agenda will be prepared by the President and approved by the Area Commission.

#### Section 5: Rules of Conduct

Meetings will be governed by the Roberts Rules of Order.

#### Section 6: Quorum Required

A majority of active members constitute a quorum. No business will be conducted unless a quorum is present.

#### Section 7: Attendance

Attendance at all Regular and Special meetings of the Area Commission is expected. A member who is unable to attend any meeting must notify the Chairperson, or the Office of the

President for communication to the Chairperson, prior to the commencement of the meeting. Such notification will result in an excused absence, which will be noted in the minutes of the meeting. A notice of a future absence recorded in the minutes of a meeting constitutes acceptable notification. With the exception of ex-officio members, a Commission member is considered removed from the Commission and a vacancy is created following three consecutive unexcused absences from Commission meetings.

#### Section 8: Attendance of the President

The President will attend all meetings of the Area Commission. The President may, at the discretion of the Chairperson, be excused from attending for reasons of personal or official business, or if matters such as performance or compensation of the President will be discussed.

#### Section 9: Minutes

Minutes which accurately account the events of each meeting will be prepared by or under the direction of the Secretary, and placed in a permanent book which will be maintained in the President's Office. The Secretary will sign them after acceptance by the Commission.

### **ARTICLE V: ADMINISTRATION OF THE HORRY-GEORGETOWN TECHNICAL COLLEGE**

#### Section 1: Appointment of the President

The President shall meet the minimum qualifications established by State Board for Technical and Comprehensive Education. The President shall be appointed by the Area Commission with full authority and responsibility for the operation of the College under the policies, rules, and requirements of the Area Commission and the State Board for Technical and Comprehensive Education.

#### Section 2: The President Shall

- A. Attend and participate, without a vote, in all meetings of the Area Commission, except where his absence is expressly desired.
- B. Employ all College personnel. (Must receive Area Commission approval for hiring institutional offices.)
- C. Prepare, for Commission approval, the annual current expenses and capital budgets.
- D. Advise the Commission of planned construction, modification needs and physical facilities.
- E. Recommend all education programs and curriculum changes.

- F. Appoint lay Advisory Committees for all programs of the College.
- G. Make appropriate reports to the Area Commission on the development and operation of the institution.
- H. Be responsible for the operation of the College.

### Section 3: Power Vested

The power to deal with individuals or organizations shall be vested in the President, in the name of the Area Commission of the Horry-Georgetown Technical College. Any individual or organization who desires to appeal the President's decision shall state in writing the nature and purpose of such appeal and the name of each person who is to appear as spokesperson. The statement shall be filed with either the President, Secretary to the Commission, or Chairperson of the Commission at least ten days in advance of the meeting at which appearance is desired.

### Section 4: Interim President

In the event of the President's serious disability, death, resignation, dismissal, or prolonged absence, the order of succession shall be determined by the Area Commission. The Chair may appoint an individual to serve as Interim President until the Area Commission officially meets to select and approve an Interim President. The approval of an Interim President requires a majority vote of the active membership of the Commission.

## **ARTICLE VI: ADOPTION AND AMENDMENT**

### Section 1: Adoption

Adoption of this Constitution shall be by affirmed order of at least three-fourths (3/4) of the active members of the Area Commission at a regular meeting provided that each member has received notice at least five days prior to the regular meeting and that each member has received a copy of the Constitution at least seven days prior to the regular meeting.

Amendment to this Constitution may be proposed by any member of the Area Commission at any regular meeting of the Commission. Adoption of the amendment shall be by affirmative order of at least 2/3 of the active members of the Area Commission at a regular meeting.