

NORTH CAROLINA PRIVATE PROTECTIVE SERVICES BOARD BYLAWS

Article 1.

NAME AND PURPOSE

Section 1.01

The North Carolina Private Protective Services Board is the name of the entity established by the North Carolina General Assembly and may herein be referred to as the "Board".

Section 1.02

The Board is a State agency licensing board that is charged with the responsibility of regulating the private security industry to increase the level of integrity, competency, and performance of the Private Protective Services professions. The Board is established and exists pursuant to the North Carolina Private Protective Services Act, N.C. General Statute Chapter 74C, which is herein referred to as the "Act".

Article II.

GENERAL PROCEDURES

Section 2.01 Parliamentary Procedure

The Board shall use the parliamentary procedures as normally set forth in Robert's Rules of Order, Newly Revised, 11th Edition as a guide, however the Chairperson of the Board will determine the extent to which Robert's Rules of Order are followed during the Board meetings as will the Chairpersons of the various committees while conducting the business of the committee .

Section 2.01 Quorum

A "Quorum" for any meeting of the Board or any committee shall be defined as 51% of those members in attendance at the opening of the meeting.

Article III.

MEMBERSHIP OF THE BOARD AND THE COMMITTEES

Section 3.01 Composition of the Board

Pursuant to N.C. General Statute 74C-4, the Board shall consist of 14 members, appointed by the various elected State officials as specified in the Act.

Adopted by the Private Protective Services Board at its meeting on February 13, 2020

Section 3.02 Committees

The Board has the following standing committees: Screening Committee, Grievance Committee, Law and Rules Committee, Education and Training Committee, Emerging Technologies and Finance Committee.

All standing committees must have a minimum of four members selected from the Board, and each Committee will have at least one industry member and one public member.

Chairpersons of each of the committees will have the power to vote on all committee decisions.

The Board has the authority to create additional standing committees as are deemed necessary.

The By-laws may be amended to include additional standing committees according to the procedures set forth in Article VIII.

(i) The Screening Committee is established to review applications for licensure. The Screening Committee members are appointed by the Chairperson of the Board in consultation with the Chairperson of the Screening Committee

(ii) The Grievance Committee is established to review audits and complaints of alleged violations of the Act. The Grievance Committee members are appointed by the Chairperson of the Board, in consultation with the Chairperson of the Grievance Committee.

(iii) The Law and Rules Committee is established to review the Board's enabling statute and propose any legislative changes, and review the Board's administrative rules for amendment or change. The Law and Rules Committee members are appointed by the Chairperson of the Board in consultation with the Chairperson of the Law and Rules Committee

(iv) The Finance Committee is established to work with the Director to review the Board budget and make recommendations for any fee increase or decrease. The Finance Committee members are appointed by the Chairperson of the Board, in conjunction with the Chairperson of the Finance Committee.

(v) The Training and Education Committee is established to review, develop, and implement the Board's training and education programs for all license categories. The Training and Education Committee members are appointed by the Chairperson of the Board, in consultation with the Chairperson of the Training and Education Committee

(vi) The Emerging Technologies Committee is established to review current trends and development in technologies that would support the mission of the Board in increasing the level of integrity, competency, and performance of the Private Protective Services Professions.

Section 3.03 Special Committees.

Adopted by the Private Protective Services Board at its meeting on February 13, 2020

Committees other than the standing committees may be established by the Board's Chair as necessity dictates. The Board's Chair shall appoint the members and Chair of any special committee. Any special committee may be dissolved by a majority vote of the members.

Section 3.04 Appointment of Non-members to Committees.

Individuals who are not members of the Board may be appointed to serve on special committees in an advisory capacity but are not authorized to vote on any issue being considered by the special committee. Individuals who are not members of the Board shall not be permitted to serve on any standing committee of the Board.

Section 3.05 Board Member Attendance.

The Board's Secretary shall take roll at the beginning of each meeting and shall include those in attendance and those absent in the minutes for that meeting. If a member is absent, the Director shall give the reason for the absence, if a reason has been given. If a member is absent, the Board shall vote whether the absence is excused or unexcused and the Chair shall so note whether excused or unexcused in the minutes.

Section 3.06 Board Requirements

Pursuant to the State Ethics Board Requirements found in N.C. G. S 138A-14, Board members must receive the required ethics training within six months of appointment and every two years thereafter. Board members must also complete the "Statement of Economic Interest" by April 15th of each year.

Pursuant to N.C.G.S. 93B-5(g) Board members, within six months of appointment and every two years thereafter, must receive training in the following topics:

- (1) Chapter 150B, The Administrative Procedure Act.
- (2) Chapter 132, The Public Records Law.
- (3) Article 33C of Chapter 143, The Open Meetings Act.
- (4) Articles 31 and 31A of Chapter 143, The State Tort Claims Act and The Defense of State Employees Law.
- (5) Chapter 138A, The State Government Ethics Act.
- (6) Chapter 120C, Lobbying

Section 3.07 Removal of a Member

Adopted by the Private Protective Services Board at its meeting on February 13, 2020

Any Board member may be removed by majority vote of the membership for misconduct, incompetence, or neglect of duty. Pursuant to the Open Meetings Law, N.C. General Statute 143-318.11(6), the Board may not consider the qualifications, competency, performance, character, fitness, appointment or removal of a member of the Board except for not fulfilling ethics training, Statement of Economic Interest and 93B Training, in an open meeting.

It is acknowledged that a member of the Board may be removed at any time by his or her appointing authority.

Article IV.

OFFICERS

Section 4.01 Chairperson

The Chairperson of the Board shall be elected by plurality vote of the membership. The Chairperson shall have the following duties:

- (i) Serve as the Chairperson of the Board;
- (ii) Preside at meetings of the Board;
- (iii) Consult with the Director to help prepare agendas for the meetings, and
- (iv) Work with the staff as necessary in implementing policies and actions of the Board.

There shall be no term limit for the Chair.

The Chair may vote on all matters before the Board

Section 4.02 Vice-Chairperson

The Vice-Chairperson of the Board shall be elected by plurality vote of the membership. The Vice-Chairperson shall have the following duties:

- (i) Fulfill the duties of the Chairperson when that person is temporarily absent, resigns, is removed from office or otherwise is unable to perform the duties of the office;
- (ii) Perform all specific duties assigned by the Chairperson or as requested by the membership and approved by the Chairperson.

The Vice-Chairperson shall have all voting rights,

There shall be no term limit for the Vice-Chairperson.

Section 4.03 Committee Chairpersons

Adopted by the Private Protective Services Board at its meeting on February 13, 2020

There shall be a Chairperson for each of the standing committees. The Committee Chairpersons of the Board shall be elected by plurality vote of the membership. The Committee Chairpersons shall have the following duties:

- (i) Serve as the Chairperson of the Committee;
- (ii) Preside at the meetings of the Committee;
- (iii) Consult with the Director to help prepare the agenda;
- (iv) Consult with the Director to assure that each Committee meeting is properly noticed pursuant to the Open Meetings Law; and
- (v) Work with the staff as necessary in implementing policies and actions that have been approved by the Board.

There shall be no term limit for the Chairpersons of the Committees.

The Chairpersons may vote on all matters before their Committee

Article V.

ELECTIONS

Section 5.01 Election of Officers

Pursuant to G.S. § 74C-4(f), the Board shall elect a Chairperson, Vice-Chairperson, and other officers and Committee Chairpersons from among its members at the first meeting after July 1 of each year.

Section 5.02 Nominations

Any Board member may make a nomination of a Board member to fill the positions of Chairperson, Vice-Chairperson, or Committee Chairperson. Nominations shall be closed upon a majority vote of the members.

Section 5.03 Election Procedure

The Board's attorney, or in the alternative the Board's Director, shall call the vote after nominations for each respective position have been closed.

Voting may not occur by secret ballot. Voting shall occur by polling each member, and each member's vote shall be recorded by the Board's secretary. All election procedures shall be consistent with the provisions set forth in the Open Meetings Law, G.S. 143-318.13.

Section 5.04 Plurality Vote

If one member is nominated for an office or committee chair and the nominations are then closed, the member is elected by acclamation. If two or more members are nominated for an office or committee chair position, the member shall be elected by a plurality of the vote.

Article VI.

MEETINGS

Section 6.01 Regularly Meetings

The Board will hold its regularly scheduled meetings in the following months: February, April, June, August, October, and December. Notice of the meetings will be given according to requirements set forth in the North Carolina Open Meetings Law, N.C. General Statute 143-318.1, et seq.

Section 6.02 Special Meetings

The Chairperson has the authority to schedule a special meeting of the Board, or the Board may by majority vote choose to have a special meeting. A special meeting may be called to discuss specific items of concern that may be too time consuming to discuss during the regular meeting of the Board. Only specific matters that are noticed for discussion shall be discussed at a special meeting. All special meetings shall comply with the Open Meetings Law, N.C. General Statute 143-318.1, et seq.

Section 6.03 Emergency Meetings

The Chairperson has the authority to schedule an emergency meeting of the Board if generally unexpected circumstances require immediate consideration by the Board. Only specific matters that are noticed for discussion will be discussed at the emergency meeting. Any emergency meetings shall comply with the Open Meetings Law, N.C. General Statute 143-318.1, et. seq.

Adopted by the Private Protective Services Board at its meeting on February 13, 2020

Article VII

LEGISLATIVE MATTERS

Section 7.01 Lobbying

The North Carolina Department of Public Safety provides lobbying assistance to the N.C. Private Protective Services. The Chairperson, the Director and the Board's attorney will work with the legislative staff of the N.C. Department of Public Safety to accommodate the needs of the Board.

Section 7.02 Legislative Procedures

The Chairperson of the Board may delegate a member(s) of the Board to work with the NCDPS legislative staff on legislation that impacts the Board

Members cannot lobby members of the General Assembly on behalf of the Board unless such action is approved by the Chairperson of the Board.

Members of the Board shall not hold themselves out as acting on behalf of the Board when dealing with members of the General Assembly unless such action is approved by the Chairperson of the Board, and the member is acting in accordance with or endorsing the position taken by the Board.

Individual opinions should not be given to members of the General Assembly in opposition to a Board position if the members is being recognized as a member of the Board thus giving the impression that the member is speaking on behalf of the Board.

Article VIII.

AMENDEMENTS TO BY-LAWS

Section 8.01 Amendments to By-Laws

The By-laws may be amended upon an approved motion and with a two-thirds majority of the votes cast at any regular meeting. Notice of the proposed amendment to the By-laws shall be given to the Board members at least thirty (30) days prior to such meeting. Such notice shall include the actual text of the proposed amendment.

Effective 2/13/2020