

BYLAWS  
OF THE  
NORTH CAROLINA BOARD OF LANDSCAPE ARCHITECTS

The North Carolina Board of Landscape Architects, pursuant to the powers delegated to it under Chapter 89A of the North Carolina General Statutes adopts the following Bylaws:

ARTICLE I  
Purpose and Powers of the Board

§1.1. **Purpose.** The purpose for which the North Carolina Board of Landscape Architects is organized is to regulate the profession of Landscape Architecture as defined pursuant to Chapter §89A of the North Carolina General Statutes and the Administrative Rules, 21 NCAC 26.

§1.2. **Powers.** The Board shall have all powers delegated to it under North Carolina General Statute §89A-3.1

ARTICLE II  
Board Members

§2.1. **Members.** The North Carolina Board of Landscape Architects shall consist of seven Members as specified by North Carolina General Statute §89A-3(a).

§2.2. **Terms.** Appointees to the North Carolina Board of Landscape Architects shall serve a term of four years as set forth in North Carolina General Statute §89A-3(a).

§2.3. **Vacancies.** All Members shall remain in office until their term expires or until a successor is appointed as specified by North Carolina General Statute §89A-3(a).

§2.4. **Removal of Board Members.** Each Member of the Board serves at the pleasure of the Governor. The Board's Chair may petition the Governor's office, in writing, to remove a Board Member for multiple unexcused absences (*see*, Article VI, Section 7, herein); loss of license for a practicing Board Member; major ethical violation as determined by the State Ethics Commission; violation of the Board's Code of Conduct; nonpayment of child support upon receipt of a court order; or for neglect of duty.

§2.5. **Compensation.** The Members of the Board and Committee Members shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of North Carolina General Statutes §93B-5 and §89A-3(b1).

### ARTICLE III Officers

§3.1. **Chair.** The Chair shall be elected annually as specified by North Carolina General Statute §89A-3(b). The term of office shall be from July 1 to June 30 of the following year. The Board may elect the same chair for up to two (2) consecutive years. The Chair shall preside at all meetings of the Board has authority to sign wall certificates and checks and perform such other duties as may be prescribed by the Board.

§3.2. **Vice-Chair.** The Vice-Chair shall be elected annually as specified by North Carolina General Statute §89A-3(b). The term of office shall be from July 1 to June 30 of the following year. The Board may elect the same Vice-Chair for up to two (2) consecutive years. The Vice-Chair shall preside at all meetings of the Board in the absence or disability of the Chair, and perform such other duties as maybe prescribed by the Board.

§3.3. **Treasurer.** The Treasurer shall be elected annually. The term of office shall be from July 1 to June 30 of the following year. The Board may elect the same Treasurer for up to two (2) consecutive years. The Treasurer shall review expense requests, sign checks, prepare the budget, and perform such other duties as maybe prescribed by the Board.

§3.4. **Secretary.** The Administrator shall act as the permanent Secretary. The duties include preparation of meeting minutes, preparation of Board correspondence, tracking data bases, compilation of the newsletter, and performance of such other duties as may be prescribed by the Board.

### ARTICLE IV Committees in General

§4.1. **Committees.** The Board may designate one or more standing or special committees by majority vote. Such committees shall have duties and powers as may be prescribed by these bylaws and from time to time by action of the Chair or the majority of the Board Members. The committees shall report their recommendations for action to the Board and the same shall be subject to the Board's approval unless specific duties are delegated with power to act.

§4.2. **Membership.** The Members of each committee shall be appointed and removed by the Chair of the Board.

§4.3. **Quorum.** A simple majority of the whole committee shall constitute a quorum.

ARTICLE V  
Standing Committees

§5.1. ***Disciplinary Review Committee.***

- §5.1.1. ***Purpose.*** Hears evidence on valid complaints and prepares a written report to the Board that describes the complaint, evidence, acceptance of guilt, recommendations of settlement or sanctions, or recommendation of dismissal.
- §5.1.2. ***Membership.*** The Committee shall consist of a minimum of one Board member, the Board's Chair, and legal counsel to the Board.
- §5.1.3. ***Process.*** The process for the Disciplinary Review Committee is defined in 21 NCAC 26 .0510 (f) through (k).
- §5.1.4. ***Scheduled Meetings.*** When a meeting is needed, it shall be scheduled after a 15-day notice is given to the individual against whom the complaint has been made.
- §5.1.5. ***Voting.*** The unanimous approval of the two Board Members is required for the Committee to approve a motion.
- §5.1.6. ***Minutes & Report.*** The Secretary shall keep minutes of the meeting, but the details of a disciplinary review case shall not be disclosed to the Board members prior to an Article 3A hearing or until a recommended decision from an Administrative Law Judge is presented to the Board for the issuance of a Final Agency Decision.

§5.2. ***Continuing Education Advisory Committee.***

- §5.2.1. ***Purpose.*** Reviews all complete applications for continuing education credits and make recommendations to the Board on each application for approval or denial. The Committee may request additional information from the applicant and is to list the application as deferred until the requested information is received.
- §5.2.2. ***Membership.*** The Committee shall consist of a minimum of five Members, all of whom are registered landscape architects. Individuals wishing to serve on the Committee shall make application to the Board for review and approval or denial.
- §5.2.3. ***Terms.*** The Committee Members do not have a term, but service may be staggered so that no more than two Members leave the Committee at any one time. Where possible, a Member whose term has expired shall stay on the Committee until a replacement is appointed.
- §5.2.4. ***Chair.*** The Committee shall elect the Chair annually. The term of office shall be from July 1 to June 30 of the following year. There is no restriction to the number of successive terms that the Chair may serve. The Chair shall preside at all meetings of the Committee, prepare

correspondence with applicants as necessary attend Board meetings if necessary to represent the Committee's decisions, and perform such other duties as may be prescribed by the Board.

- §5.2.5. ***Vice-Chair.*** The Committee shall elect the Vice-Chair annually. The term of office shall be from July 1 to June 30 of the following year. There is no restriction on the number of successive terms that the Vice-Chair may serve. The Vice-Chair shall preside at all meetings of the Committee in the absence or disability of the Chair and shall perform such other duties as may be prescribed by the Board.
- §5.2.6. ***Scheduled Meetings.*** The Committee shall meet no less than four times per year. The Board shall select the meeting dates and these dates shall be made public in advance of the meeting.
- §5.2.7. ***Quorum.*** A simple majority of the Committee shall constitute a quorum for the transaction of business.
- §5.2.8. ***Voting Procedures.*** The Committee shall agree by simple majority on each application reviewed. All formal action of the Committee shall be by motion adopted by acclamation, at a duly called meeting of the Committee.
- §5.2.9. ***Conducting Meetings.*** All meetings of the Committee shall be conducted under Roberts Rules of Order, unless specifically provided otherwise by the Committee or these Bylaws.
- §5.2.10. ***Attendance.*** The Chair shall excuse Members from attendance at official meetings of the Committee for good cause. If the frequency of excused or unexcused absences is hampering the business of the Committee, the Committee Chair shall discuss the problem with the Committee Member. If the problem cannot be resolved, the Committee Chair shall contact the Board Chair to request a replacement.
- §5.2.11. ***Process.*** The Administrator, the Administrator's staff or the Committee Chair shall receive the applications for Continuing Education Activities. The application shall be reviewed for completeness, and any incomplete applications shall be held or returned to the sender for additional information. Only complete applications shall be given to the Committee for their review or added to the approved list. Duplicate events shall be grouped together.

Once the Committee has made a recommendation on each application, the Administrator shall record the recommendation. The recommendations are as follows:

- ♦ Approval
- ♦ Denial
- ♦ Deferred, stating the reason the application is deferred

- §5.2.12. ***Minutes.*** The list of processed applications shall serve as minutes of the Committee meetings.

§ 5.3.13. **Establishment of Additional Committees.** Other committees may be established as deemed necessary by the Chair or by majority vote of the Board.

## ARTICLE VI Meetings of the Board

§6.1. **Regular Meetings.** The Board shall meet no less than four (4) times a year at a time and place as specified by the Board.

§6.2. **Special Meetings.** The Chair of the Board or a majority of the Board, upon 48 hours notice to Board Members and the public, may call special meetings of the Board as set forth in Article 33C of Chapter 143 of the North Carolina General Statutes.

§6.3. **Emergency Meetings.** The Chair of the Board, or a majority of the Board, because of an unexpected circumstance that requires immediate consideration by the Board, may call emergency meetings of the Board. Only business connected with the emergency may be considered at such meeting. Notice to the public shall be as required by Article 33C of Chapter 143 of the North Carolina General Statutes.

§6.4. **Open Meetings Law Compliance.** Notice of official meetings and the official meetings of the Board shall be subject to the provisions of Article 33C of Chapter 143 of the North Carolina General Statutes.

§6.5. **Voting Procedures.** The Board shall determine its policies by majority vote of the Members of the Board present after a quorum has been established. All formal action of the Board shall be by motion adopted at a duly called meeting of the Board.

§6.6. **Conduct of Meetings.** All meetings of the Board shall be conducted under Roberts Rules of Order, unless specifically provided otherwise by the Board or these Bylaws.

§6.7. **Attendance.** The Chair shall excuse Members from attendance at official meetings of the Board for good cause shown. The Secretary shall keep a record of excused and unexcused absences. In accordance with Article II, Section 4, herein, the Board may recommend to the Governor the replacement of a Member who has 75% of unexcused absences during a calendar year or three unexcused absences during a tenure.

§6.8. **Excused Absences.** Notification by a Board member of an absence shall be given, if possible, to the Administrator at least five days before the meeting. The Administrator will track absences of all Board Members and note whether the absence is excused or unexcused.

§6.9. **Participation by Alternate Means.** Members may attend official meetings of the Board by use of conference telephone or other electronic means that allows all persons participating in the meeting to hear each other. Participation by these means shall be deemed attendance in person.

§6.10. **Order of Business.** The Chairperson and the Administrator shall establish an agenda for each meeting, which shall be reviewed and approved by the Board at the beginning of each meeting. The Chair or acting Chair may vary the order of business, unless a majority of the Board present objects to such variation.

§6.11. **Minutes.** The Board shall keep minutes of its meetings that shall be approved by the Board and shall at all times be open to public inspection.

## ARTICLE VII Staff

§7.1. **Administrator.** The Board shall contract for an Administrator to serve at its pleasure. The Administrator shall be the Board's chief executive officer, serve as Secretary of the Board and shall be responsible for the daily administration of the Board.

§7.2. **Administrative Employees.** The Administrator shall be responsible for hiring personnel as the Administrator deems necessary for carrying out the duties, directives, and functions of the Board. Such employees shall not be employees of the Board.

§7.3. **Policy Directives.** Once a policy is established, the Board shall communicate it to the Administrator or the Administrator's designee, who shall have the sole and exclusive authority to execute the policy of the Board. No Member of the Board shall have the responsibility or authority to give operational directives to any other employee of the Board other than the Board Chair and the Administrator.

## ARTICLE VIII Work Plan and Reports

§8.1. **Annual Plan of Work.** The Board shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board.

§8.2. **Annual Reports.** By October 31 of each year, the Board shall submit annual reports of its activities for the preceding fiscal year as required by North Carolina General Statute § 93B-2. Each report shall be accompanied by an audit of its books and accounts, as required, which shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the North Carolina General Statutes.



## ARTICLE IX

### Contracts

§9.1. **Contracts for Administrator.** The Board shall review the Administrator's contract and fee annually.

§9.2. **Contract for Legal Services.** The Board shall maintain a contract for legal services, which shall be reviewed on a biannual basis.

§9.3. **Contract for Investigative Services.** The Board shall have an Indefinite Delivery Contract for Investigative Services with a qualified investigator or authorize the Board's attorney to contract for such services on an as-needed basis.

## ARTICLE X

### Ethics

§10.1. **Board of Ethics.** All Members of the Board are "public officials" as defined by the North Carolina State Ethics Act, and as covered by the Ethics Commission. All Board members shall comply with all ethical laws of the State of North Carolina.

§10.2. **Ethics Policy.** The Board may adopt a supplemental Code of Professional Conduct applicable to the Members of the Board.

## ARTICLE XI

### Finance

§11.1. **Audit.** The operations of the North Carolina Board of Landscape Architects shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the North Carolina General Statutes.

§11.2. **Financial Reserves.** It shall be the goal of the Board to build a financial reserve of six months operating expenses in reserve.

## ARTICLE XII

### Miscellaneous

§12.1. **Fiscal Year.** The fiscal year of the Board shall be July 1 through June 30.

§12.2. **Record Keeping.** The North Carolina Board of Landscape Architects is a public agency subject to the provisions of Chapter 132 of the North Carolina General Statutes. The Public Records Act. The records of the Board shall be maintained in accordance with North Carolina General Statute §121-5 and the rules and regulations of the Department of Cultural Resources.

ARTICLE XIII  
Amendments

§13.1. *Amendments to Bylaws.* Any subsequent changes or amendments to these Bylaws shall require the concurrence of a two-thirds majority of the Board and must be submitted to the members 45 days prior to adoption by the Board.

ADOPTION

Adopted by the North Carolina Board of Landscape Architects on the 31<sup>st</sup> day of January, 2023.

  
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Glenn Stach, Chair  
North Carolina Board of Landscape Architects