

HOUSE BILL No. 4654

April 22, 1997, Introduced by Reps. LeTarte, DeVuyst, Middleton, Rhead, McNutt, Oxender, Middaugh, Mathieu, Agee, McBryde, London, Baade, Gire, Brackenridge, Price and Griffin and referred to the Committee on Colleges and Universities.

A bill to amend 1966 PA 331, entitled
"Community college act of 1966,"
by amending sections 103, 111, 121, and 124 (MCL 389.103,
389.111, 389.121, and 389.124).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 103. (1) ~~The~~ A community college district ~~shall be~~
2 IS a body corporate and may sue and be sued, and may take, con-
3 demn, use, hold, sell, lease, and convey real property without
4 restriction as to location and personal property including prop-
5 erty received by gift, devise, or bequest, as the interest of the
6 community college district may require. ~~Every~~ A community col-
7 lege district ~~shall be~~ IS presumed to have been legally orga-
8 nized ~~when~~ IF it has exercised the franchises and privileges of
9 a COMMUNITY COLLEGE district for a period of AT LEAST 2 years;
10 and ~~the~~ SUCH A COMMUNITY COLLEGE district and its trustees

1 ~~shall be~~ ARE entitled to all rights, privileges, and
2 immunities, and ~~be~~ ARE subject to all duties and liabilities
3 conferred upon community college districts by law.

4 (2) IN ADDITION TO THE POWERS EXPRESSLY STATED IN THIS ACT,
5 A COMMUNITY COLLEGE DISTRICT AND ITS BOARD OF TRUSTEES MAY EXER-
6 CISE A POWER IMPLIED BY OR INCIDENT TO ANY OF ITS POWERS
7 EXPRESSLY STATED IN THIS ACT AND, EXCEPT AS OTHERWISE PROVIDED BY
8 LAW, MAY EXERCISE A POWER INCIDENTAL OR APPROPRIATE TO THE PER-
9 FORMANCE OF ANY FUNCTION RELATED TO OPERATION OF THE COMMUNITY
10 COLLEGE DISTRICT IN THE INTERESTS OF EDUCATIONAL AND OTHER PRO-
11 GRAMS AND SERVICES OFFERED BY THE COMMUNITY COLLEGE DISTRICT.

12 Sec. 111. (1) The first meeting of the board of trustees
13 following the organizational election of a community college dis-
14 trict shall be called by the secretary of the intermediate board
15 of education of the county having the highest valuation within
16 the community college district. The meeting shall be held within
17 15 days following the statutory date upon which the newly elected
18 members take office, at a time and place ~~as~~ DESIGNATED BY the
19 secretary. ~~shall designate.~~ Public notice of the time, date,
20 and place of the meeting shall be given in the manner required by
21 ~~Act No. 267 of the Public Acts of 1976, being sections 15.261 to~~
22 ~~15.275 of the Michigan Compiled Laws~~ THE OPEN MEETINGS ACT, 1976
23 PA 267, MCL 15.261 TO 15.275.

24 (2) The organizational board meeting of a community college
25 district operating under chapter 1 shall be held ~~on the first~~
26 ~~Monday~~ AT THE FIRST MEETING OF THE BOARD OF TRUSTEES in January
27 following the date of the regular community college election.

1 The organizational board meeting of a community college district
2 operating under chapters 2 or 3 shall be held ~~on the first~~
3 ~~Monday~~ AT THE FIRST BOARD OF TRUSTEES MEETING in July following
4 the date of the regular community college district election. ~~If~~
5 ~~the date of an organizational meeting falls on a legal holiday,~~
6 ~~then the meeting shall be held on the next succeeding Monday.~~

7 (3) At the first meeting of a first or succeeding board of
8 trustees, the board shall elect a chairperson AND A VICE
9 CHAIRPERSON, who shall be ~~a member~~ MEMBERS of the board of
10 trustees, and a secretary and a treasurer, who need not be mem-
11 bers OF THE BOARD OF TRUSTEES. The officers shall be elected for
12 a term of 2 years, subject to change of officers by resolution of
13 the board.

14 (4) The business which the board may perform shall be con-
15 ducted in compliance with ~~Act No. 267 of the Public Acts of~~
16 ~~1976~~ THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

17 Sec. 121. The board of trustees of the community college
18 district ~~shall have~~ HAS the power to make plans for, to pro-
19 mote, or TO acquire, construct, own, develop, maintain, and oper-
20 ate a community college and an area vocational-technical educa-
21 tion program. The board of trustees may DO ALL OF THE
22 FOLLOWING:

23 (a) Locate, acquire, purchase, or lease in the name of the
24 COMMUNITY COLLEGE district ~~such~~ A site or sites within or with-
25 out the TERRITORY OF THE COMMUNITY COLLEGE district for college
26 buildings, libraries, agricultural farms, athletic fields,
27 playgrounds, stadiums, gymnasiums, auditoriums, parking areas,

1 residence halls, and supporting facilities as may be necessary;
2 purchase, lease, ~~for a term not to exceed 5 years,~~ acquire,
3 erect or build and equip ~~such~~ buildings, structures, and other
4 improvements for college or area vocational-technical education
5 buildings, libraries, agricultural farms, athletic fields, play-
6 grounds, stadiums, gymnasiums, auditoriums, parking areas, resi-
7 dence halls, and supporting facilities as may be necessary; ENTER
8 INTO INSTALLMENT PURCHASE CONTRACTS FOR REAL OR PERSONAL
9 PROPERTY; pay for ~~the same~~ REAL OR PERSONAL PROPERTY out of the
10 funds of the COMMUNITY COLLEGE district provided for that pur-
11 pose; sell or exchange any real or personal property of the
12 COMMUNITY COLLEGE district ~~which~~ THAT is no longer required
13 ~~thereby~~ for school purposes, and give proper deeds, bills of
14 sale, or other instruments passing title to the ~~same~~ REAL OR
15 PERSONAL PROPERTY.

16 (b) Establish and carry on schools and departments or
17 courses of study and other educational programs as may be consis-
18 tent with the purposes of this act, and take over and succeed to
19 the operation of ~~such~~ A community college or
20 vocational-technical department or departments ~~as may~~ previ-
21 ously ~~have been~~ operated by school districts within the commu-
22 nity college district.

23 (c) Establish, equip, and maintain agricultural, trade, and
24 other vocational-technical departments and ~~to~~ have general con-
25 trol ~~thereover~~ OVER THEM for community college or area
26 vocational-technical program purposes.

1 Sec. 124. The board of trustees may DO ALL OF THE
2 FOLLOWING:

3 (a) Contract with, appoint, and employ a suitable person ~~—~~
4 ~~not a member of the board, as administrator or director~~ AS CHIEF
5 EXECUTIVE OFFICER of the community college. ~~—, who~~ THE PERSON
6 EMPLOYED AS CHIEF EXECUTIVE OFFICER SHALL NOT BE A MEMBER OF THE
7 BOARD OF TRUSTEES AND shall possess at least an earned bachelor's
8 degree ~~from a college acceptable to the state board of education~~
9 ~~and be the possessor of or be eligible for a teacher's certifi-~~
10 ~~cate or have educational qualifications equivalent thereto in~~
11 ~~accordance with standards determined by the state board of educa-~~
12 ~~tion or have an earned doctor's degree~~ from an accredited col-
13 lege or university. ~~—, and who~~ THE CHIEF EXECUTIVE OFFICER shall
14 hold ~~his~~ office for a term fixed by the board OF TRUSTEES, not
15 to exceed 5 years, ~~who~~ shall perform ~~such~~ duties as the board
16 OF TRUSTEES may determine, and ~~who~~ shall make reports in writ-
17 ing to the board of trustees and to the department of education
18 annually, or ~~oftener~~ MORE OFTEN if required, in regard to all
19 matters pertaining to the educational interests of the community
20 college district. ~~—; appoint in its discretion,—~~

21 (B) DELEGATE TO THE CHIEF EXECUTIVE OFFICER OF THE COMMUNITY
22 COLLEGE THE BOARD'S AUTHORITY TO DO ANY OF THE FOLLOWING:

23 (i) SELECT AND EMPLOY PERSONNEL OF THE COMMUNITY COLLEGE.

24 (ii) PAY CLAIMS AND DEMANDS AGAINST THE COMMUNITY COLLEGE.

25 (iii) PURCHASE, LEASE, OR OTHERWISE ACQUIRE PERSONAL PROP-
26 erty FOR THE COMMUNITY COLLEGE.

1 (iv) INVEST COMMUNITY COLLEGE FUNDS.

2 (v) SUBJECT TO TERMS AND CONDITIONS ESTABLISHED BY THE BOARD
3 OF DIRECTORS, ACCEPT CONTRIBUTIONS, CAPITAL GRANTS, GIFTS, DONA-
4 TIONS, SERVICES, OR OTHER FINANCIAL ASSISTANCE FROM ANY PUBLIC OR
5 PRIVATE ENTITY.

6 (C) APPOINT AND EMPLOY a business manager responsible to the
7 ~~administrator or director~~ CHIEF EXECUTIVE OFFICER of the commu-
8 nity college for the community college district and fix his OR
9 HER term of office.

10 (D) ~~(b)~~ Select and employ ~~such~~ OTHER administrative
11 officers, teachers, and OTHER employees and engage ~~such~~ serv-
12 ices as ~~shall be~~ necessary to effectuate its purposes.