

Act No. 135
Public Acts of 1997
Approved by the Governor
November 17, 1997
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STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Reps. LeTarte, DeVuyst, Middleton, Rhead, McNutt, Oxender, Middaugh, Mathieu, Agee, McBryde, London, Baade, Gire, Brackenridge, Price and Griffin

ENROLLED HOUSE BILL No. 4654

AN ACT to amend 1966 PA 331, entitled "An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; and to repeal certain acts and parts of acts," 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:

Sec. 103. (1) A community college district is a body corporate and may sue and be sued, and may take, condemn, use, hold, sell, lease, and convey real property without restriction as to location and personal property including property received by gift, devise, or bequest, as the interest of the community college district may require. A community college district is presumed to have been legally organized if it has exercised the franchises and privileges of a community college district for a period of at least 2 years; and such a community college district and its trustees are entitled to all rights, privileges, and immunities, and are subject to all duties and liabilities conferred upon community college districts by law.

(2) In addition to the powers expressly stated in this act, a community college district and its board of trustees may exercise a power implied by or incident to any of its powers expressly stated in this act and, except as otherwise provided by law, may exercise a power incidental or appropriate to the performance of any function related to operation of the community college district in the interests of educational and other programs and services offered by the community college district.

Sec. 111. (1) The first meeting of the board of trustees following the organizational election of a community college district shall be called by the secretary of the intermediate board of education of the county having the highest valuation within the community college district. The meeting shall be held within 15 days following the statutory date upon which the newly elected members take office, at a time and place designated by the secretary. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(2) The organizational board meeting of a community college district operating under chapter 1 shall be held at the first meeting of the board of trustees in January following the date of the regular community college election. The organizational board meeting of a community college district operating under chapters 2 or 3 shall be held at the first board of trustees meeting in July following the date of the regular community college district election.

(3) At the first meeting of a first or succeeding board of trustees, the board shall elect a chairperson and a vice chairperson, who shall be members of the board of trustees, and a secretary and a treasurer, who need not be members of the board of trustees. The officers shall be elected for a term of 2 years, subject to change of officers by resolution of the board.

(4) The business which the board may perform shall be conducted in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

Sec. 121. The board of trustees of the community college district has the power to make plans for, to promote, or to acquire, construct, own, develop, maintain, and operate a community college and an area vocational-technical education program. The board of trustees may do all of the following:

(a) Locate, acquire, purchase, or lease in the name of the community college district a site or sites within or without the territory of the community college district for college buildings, libraries, agricultural farms, athletic fields, playgrounds, stadiums, gymnasiums, auditoriums, parking areas, residence halls, and supporting facilities as may be necessary; purchase, lease, acquire, erect or build and equip buildings, structures, and other improvements for college or area vocational-technical education buildings, libraries, agricultural farms, athletic fields, playgrounds, stadiums, gymnasiums, auditoriums, parking areas, residence halls, and supporting facilities as may be necessary; enter into installment purchase contracts for real or personal property; pay for real or personal property out of the funds of the community college district provided for that purpose; sell or exchange any real or personal property of the community college district that is no longer required for school purposes, and give proper deeds, bills of sale, or other instruments passing title to the real or personal property.

(b) Establish and carry on schools and departments or courses of study and other educational programs as may be consistent with the purposes of this act, and take over and succeed to the operation of a community college or vocational-technical department or departments previously operated by school districts within the community college district.

(c) Establish, equip, and maintain agricultural, trade, and other vocational-technical departments and have general control over them for community college or area vocational-technical program purposes.

Sec. 124. The board of trustees may do all of the following:

(a) Contract with, appoint, and employ a suitable person as chief executive officer of the community college. The person employed as chief executive officer shall not be a member of the board of trustees and shall possess at least an earned bachelor's degree from an accredited college or university. The chief executive officer shall hold office for a term fixed by the board of trustees, not to exceed 5 years, shall perform duties as the board of trustees may determine, and shall make reports in writing to the board of trustees and to the department of education annually, or more often if required, in regard to all matters pertaining to the educational interests of the community college district.

(b) Delegate to the chief executive officer of the community college the board's authority to do any of the following:

(i) Select and employ personnel of the community college.

(ii) Pay claims and demands against the community college.

(iii) Purchase, lease, or otherwise acquire personal property for the community college.

(iv) Invest community college funds.

(v) Subject to terms and conditions established by the board of directors, accept contributions, capital grants, gifts, donations, services, or other financial assistance from any public or private entity.

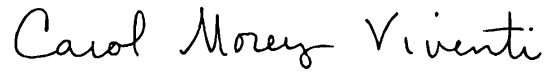
(c) Appoint and employ a business manager responsible to the chief executive officer of the community college for the community college district and fix his or her term of office.

(d) Select and employ other administrative officers, teachers, and other employees and engage services as necessary to effectuate its purposes.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.