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DIVISION: BOARD OF TRUSTEES

SUBJECT: POLICIES RELATING TO BOARD OF TRUSTEES

Supersedes: Chapter IV, Lake Michigan College Board Manual

Date: August 26, 2008

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DIVISION:	BOARD OF TRUSTEES	Policy No. BD-GEN-011
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INTRODUCTION

The Board of Trustees has the responsibility to:

a. Function as the legislative and policy making body of the College.

b. Select, appoint, and employ a suitable person, not a member of the Board, as President of the College, who shall have an educational background as fixed by law. The contract may not exceed five (5) years and the duties to be performed are determined by the Board.

c. Establish policies, by-laws, rules and regulations for its own governance and for control and governance of the College District (c.f. Chapter V. et. seq. infra.)

d. Review and pass on the recommendations of the President regarding personnel policies, chief administrative appointments, budgets, curricula, capital expenditures, and other matters of policy affecting the general welfare of the College.

e. Protect and promote the Colleges public relations in order to inform the citizens of the District of the Colleges programs.

f. Encourage adequate financial support of the College through local and state actions.

g. Provide counsel and advice to the President regarding the administration of the College.

h. Require of the President such periodic reports as the Board deems necessary to keep it properly advised on the administration of the College.

i. Accept the moral obligation to provide such leadership and such service as will engender trust and confidence in education.

j. Reserve to itself all of its legal responsibilities for the operation of the College.

I. **Legal Basis**

a. The State Constitution of 1963 provides the basis for community and junior colleges throughout Michigan.

> The Legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards (Article VIII, Section 7).

b. The Legislature, in fulfilling its constitutional mandate, passed the Community College Act of 1966. This legislation outlines the powers and duties of boards of trustees.

II. Membership

a. The Board of Trustees, consisting of seven (7) members is elected at large in the Community College District at the general elections of the state. Members are elected for six year terms of office which are staggered so that two and sometimes three expire each two years.

b. Regular terms of office commence on January 1, following the date of the general state election.

c. The general election laws of the state govern all elections.

III. Elections

a. Any qualified elector residing within the Community College District is eligible to be chosen as a board member.

b. An elector of a Community College District must posses the following qualifications:

i. United States citizenship

ii. Eighteen years of age

iii. Resident of Michigan for six months

iv. Resident of the college district for thirty days

c. Candidates for membership are nominated by petition as specified in the appropriate election laws. The nominating petitions of those seeking election to the Board of Trustees of a community college shall be filed not later than 4:00 p.m. on the sixtieth day prior to the date of the general election. The county clerk will provide the necessary information to candidates.

d. The candidate for each term of office receiving the highest number of votes cast is elected. A certificate of election will be delivered to the candidates by the Board of Canvassers.

e. Within 15 days after appointment or after the final canvass of the election, each person elected or appointed as a trustee must file with the Secretary of the Board of Trustees, the following:

   i. Oath of Office

   ii. Acceptance of Office

   iii. Affidavit of Eligibility for Office

f. The office of a member of the Board of Trustees becomes vacant immediately without declaration of any officer or the Board of Trustees or its members upon: the death of the incumbent; a court adjudicating insanity or mental incompetence; resignation; removal from office; conviction of a felony; the election or appointment being declared void by a competent tribunal; refusal or neglect to file the acceptance of office, or refusal or neglect to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law; ceasing to possess the legal qualifications for holding office, including the residence qualification.

g. Whenever a vacancy in the Board of Trustees occurs, the remaining members of the Board by majority vote are empowered to fill the vacancy with a qualified elector of the Community College District. Any person so appointed holds office until the next regular College election, at which time the electors of the Community College District fill the office for the unexpired portion of the term.

IV. Officers of the Board

The Board of Trustees' officers are: Chairperson, Vice-Chairperson, Secretary, and Treasurer. No person can be elected to two consecutive

terms. If a Vice-Chairperson assumes the role of Chairperson during the Chairperson's term, the Vice-Chairperson is still eligible to be elected into the Chairperson role for the next term.

a. The Chairperson

1. The Chairperson of the Board of Trustees is elected by the members of the Board from among their number and serves for a two year term.

2. The duties of the Chairperson are to preside at all meetings of the Board of Trustees, to perform all duties prescribed by law and as directed by the Board of Trustees. To preserve order and to enforce rules. He or she appoints all committees unless otherwise ordered by the Board.

3. In addition to the duties prescribed by law or by rules of the Board, the Chairperson exercises such other powers as properly pertain to the office or as may be delegated by the Board.

b. The Vice-Chairperson

1. The Vice-Chairperson of the Board of Trustees is elected by the members thereof from among their number and serves for two years.

2. He or she performs the duties of the Chairperson in the absence of the Chairperson, or in case of refusal to perform duties.

3. He or she performs other functions as designated by the Board of Trustees.

c. The Secretary

1. The Secretary of the Board of Trustees is elected by the Board of Trustees and is to be a member thereof who shall serve for two years.

2. He or she is responsible for records of all meetings; posting all legal notices; preparing, signing, and attesting to all legal documents; maintaining all records of the Board of Trustees

for public inspection; sending each member of the Board, prior to the meetings, a copy of the minutes of the preceding Board meeting; and notifying the Trustees of all meetings.

3. If the Secretary is temporarily incapacitated or refuses to perform his or her duties; a Secretary pro tempore, who shall be a member of the Board, may be appointed by the presiding officer, subject to the approval of the Board.

4. The Secretary performs the duties usually pertaining to his or her office and such as are imposed by action of the Board of Trustees.

d. The Treasurer

1. The Treasurer of the Board of Trustees is elected by the Board of Trustees and is to be a member thereof who shall serve for two years.

2. The duties of the Treasurer of the Board are to have custody of all Board funds and securities, and to be responsible for the full and accurate accounts of all receipts and disbursements; the deposit of all monies, securities and other valuable effects in the name of the Board of Trustees in such depositories as may be designated for that purpose by the Board of Trustees; the disbursement of the funds of the District as may be ordered by the Board; and the regular Treasurers report of the financial condition of the College.

V. Compensation and Expenses

No member of the Board of Trustees shall receive compensation for his or her services as a member or as an officer. The members of the Board of Trustees may be reimbursed for expenses incurred in performance of Board functions approved by the Board.

VI. Transaction of Business

The Board of Trustees shall transact all business at public legal meetings of the Board. No member of the Board shall have power to act in the name of the Board outside of Board meetings.

VII. Membership on Board of Trustees and Contracts

A Board member cannot be interested directly or indirectly in any contract with the college district and he or she may not perform any labor or furnish equipment and supplies for compensation, unless there is public disclosure and approval by the Board of Trustees as mandated in the Board of Trustees Conflict of Interest Policy.

VIII. Committees of the Board

a. Standing Committees -- The Board of Trustees will have no standing committees.

b. Special Committees of the Board -- The Board of Trustees may appoint special committees. A special committee reports recommendations to the Board for appropriate action. A special committee is dissolved when its report is accepted by the Board. All special committees are nominated by the Chairperson of the Board of Trustees who serves as an ex-officio member of the committees.

c. The Board of Trustees may meet as a committee of the whole to review and appraise existing policies and College operations as occasion requires.

IX. Meeting of the Board

a. Organizational Meeting -- The Board of Trustees meets for organization on the first Monday in January following the date of the regular community college election. If the date of an organizational meeting falls on a legal holiday, then it is held on the next succeeding Monday, or at such time as the Board may determine.

b. Regular Meetings -- The Board of Trustees will annually announce the dates, time and place of regular meetings. Should the day appointed for a regular meeting be a holiday; or as other circumstances may warrant, a meeting shall be held at the discretion of the Chairperson and the Secretary of the Board of Trustees in consultation with the President of the College.

An adjourned regular meeting may be reconvened for the transaction of business normally scheduled for the regular meeting.

c. Special Meetings -- Special meetings of the Board of Trustees may be called by the Chairperson or by any three members of the Board by giving notice thereof in writing, stating the time, place and purpose of the meeting.

Such notice is required to be given by mail at least 48 hours before such meeting or by personal service 24 hours before such meeting. However, presence at a special meeting shall constitute waiver of notice of such meeting. In lieu of timely notice and a full membership of the Board being present, a special meeting can be declared.

No business shall be transacted except that for which the meeting is called, which shall be stated in the call.

X. Rules of Order for Meetings

a. Quorum -- By statute, a majority of the full membership of the Board of Trustees constitutes a quorum unless otherwise provided. When the vote is taken on any motion before the Board, the quorum present, a majority of the members voting shall determine the outcome thereof, provided there are at least four affirmative votes.

b. Obligation to Vote -- Every member present is obligated to vote on all questions, motions and resolutions submitted for action, unless the member advises the presiding officer that he desires to abstain. Whenever the vote is a tie, the question shall be considered lost. The names of those voting yea or nea shall be recorded, if desirable, through a roll call vote.

c. Place of Meeting -- All meetings of the Board of Trustees are held at the offices of the College, unless a different place shall be designated by resolution, or in the notice of any special meeting.

d. Order of Business -- The usual order of business of the Board of Trustees is as follows:

I. Call to Order

II. Roll Call

III. Setting of the Agenda

IV. Approval of Minutes

V. Petitions and Communications From The Floor

VI. Reports

VII. Old Business

VIII. New Business

IX. Miscellaneous

X. Adjournment

e. Motions -- Rules of motion of the Board of Trustees are as follows: (c.f. Section 4.15, Roberts Rules of Order).

i. A motion is out of order while another motion is being discussed, unless it is an amendment to the motion under consideration.

ii. Exceptions are the motion to adjourn, the motion to table a previous motion, or the motion to refer the motion being discussed.

iii. A copy of all motions shall be carefully recorded, as well as the names of those who make motions and those who second motions when appropriate.

f. Discussions -- Discussions at Board of Trustees' meetings are conducted in the following manner:

i. When non-Board members address the Board, the Chairperson shall allot such person not more than ten minutes for a report nor five minutes for other business, unless the time is increased or decreased by majority consent of the Board.

ii. When Board members discuss a matter:

(a) The member first addresses the Chairperson, then the entire membership in an audible voice.

(b) The Chairperson may stop any discussion which

does not apply to the motion last made; and may stop the discussion of a matter if the Board has previously agreed to confine discussion to a definite period of time, and that period of time has expired.

(c) Aside from such limitation, a member may speak without interference for such period of time as he or she deems necessary.

g. Call For A Vote -- Any member of the Board may call for a vote on any question under discussion. Such a call may be overcome by a majority of Trustees present.

XI. Supplementary Rules of Order

Except as provided above, the rules of parliamentary procedure in "Roberts Rules of Order" shall govern the Board in its deliberations. Rules may be suspended at any meeting by a majority vote of members present.

XII. Citizen Participation

Rules in regard to citizen participation in Board of Trustees' meetings are as follows:

a. Meetings of the Board of Trustees are to be open to the public.

b. All citizen communications to the Board of Trustees must be addressed to the Board of Trustees.

c. Citizens who wish to present any matter or concern to the College are required to make written request to the Secretary of the Board of Trustees at least one (1) week prior to the meeting. This shall come under "Miscellaneous" in the order of business.

d. Under special circumstances, and with the consent of a majority of the Board, the Chairperson of the Board may give visitors who have not presented a written request an opportunity to present problems to the Board. The Chairperson shall allot a visitor, at the appropriate time, not more than five minutes unless the time is increased or decreased by the consent of the Board.

XIII. Minutes of Proceedings

Rules in regard to the minutes of the proceedings of the Board of Trustees' meetings are as follows:

a. Minutes of the Board proceedings are prepared under the guidance of the Secretary and mailed or delivered to the members when possible at least two working days before the time of the next meeting.

b. Action on the minutes of the preceding meetings shall be approved by the Board as the first official act of the regular meeting. Approved minutes are signed by the Chairperson and the Secretary of the Board.

c. The official minutes are bound and kept in the administrative offices under the direction of the Secretary of the Board.

XIV. Records Available

Records of meetings of the Board of Trustees are available to citizens for inspection at the College offices during business hours, may be examined in the College library, or viewed on the College website at www.lakemichigancollege.edu.

XV. Revision of Policies

Policies may be revised, added to, or amended, at a regular meeting of the Board by a majority vote of the members (c.f. Section 4.14a). Proposed amendments may be voted on at any meeting following their presentation.

XVI. Gifts: Library and Articles, Hangings, Etc.

Whenever possible a committee appointed by the President will select, control and accept gifts and works of art for the College from possible donors, and the gifts and their location in the College will be reported to the Board of Trustees. Donors shall appraise gifts made to the College.

XVII. Community Use of College Facilities

The Trustees encourage the wide use of college facilities by the community it serves. The administration is authorized to enter into use and rental agreements with appropriate community groups. Rates charged and priorities for determining use are delegated to administration. Changes in adopted rental schedules and criteria for use are to be submitted to the

Trustees at appropriate times for consideration.

XVIII. Special Federal and State Grants

Federal and State grants, including fund matching grants, required of the local District may be accepted by the administration and reported to the Trustees as soon as possible at a regular meeting. Applications for grants and final acceptance of grants will be noted in the minutes of the Trustees' meetings.

XIX. Scholarships

The Board of Trustees has several scholarship programs in which it participates. The awards are given on the basis of demonstrated excellence in a subject area, for economic need, others for a retiree grant program. Participation in federal and state programs provides greater opportunities for the citizens who reside in the Lake Michigan College District, and if possible, for those attending the institution as non-residents.

XX. Accounting and Auditing

a. The administration and auditor are authorized to make the various funds of Lake Michigan College conform to the Michigan Department of Education Accounting Manual for Public Community Colleges.

b. Signatures for checks, drafts, notes or orders drawn against designated depositories for various College funds shall be valid only when an authorized electronic signature is used.

c. The Trustees further direct the administration and auditor to affect the consolidation of existing funds and establish new funds including appropriate fund transfers when desirable and to report to the Board of Trustees any recommendations in the final audit report for any future fiscal year.

XXI. Authorized Expenditures

The Chairperson and Treasurer of the Lake Michigan College District are authorized by electronic signature to pay budget approved obligations. Payroll checking account transactions are signed by a designated administrator.

The administration is charged to make a monthly treasurers report at the

regularly scheduled Board meeting. The Treasurers report shall be certified by the President and Vice-President of Financial Services stating that all expenditures reflected in the report are within the approved budget.

XXII. Purchase and Bid Policy

Purchases within the budget in excess of five thousand dollars ($5,000) shall require Board of Trustee approval. A minimum of three quotations whenever possible is required on all purchases in excess of five thousand dollars ($5,000). Construction contracts in excess of five thousand dollars ($5,000) shall be by formal bid with public advertisement.

XXIII. Building Change Orders

The Trustees authorize the President and the Vice President of Financial Services, and the Director of Auxiliary Services to execute change orders in an amount not to exceed five thousand dollars ($5,000) where it is in the best interest of the College to do so, reporting back to the Board of Trustees any such actions taken at the next regular Board meeting. The three named positions are also authorized to enter into negotiations with the architect, contractors, and other parities involved. Reports of such negotiations will be given at the next regular Board meeting.

XXIV. Traffic Policy

The administration was authorized March 23, 1970, to contact the Benton Township Police Department, and to have them issue tickets for traffic control of specified areas, particularly the fire lanes. This would enable the police to come on campus on an “on call” basis.

XXV. Policy on Admission, Student Fees, Resident Requirements, Etc.

The current policies of the Trustees are to be reflected accurately in the College catalog and/ or student handbook.