

BOARD LEGAL STATUS
POWERS, DUTIES, RESPONSIBILITIES

BAA
(LEGAL)

- RESPONSIBILITIES The Board, being composed of lay members, shall exercise the traditional and time-honored role as it has evolved in the United States and shall constitute the keystone of the governance structure. In this regard, the Board:
1. Is expected to preserve institutional independence and to defend its right to manage its own affairs through its chosen administrators and employees.
 2. Shall enhance the public image of the College District under its governance.
 3. Shall interpret the community to the campus and interpret the campus to the community.
 4. Shall nurture the College District under its governance to the end that it achieves its full potential within its role and mission.
 5. Shall insist on clarity of focus and mission of the College District under its governance.

Education Code 51.352(a)

EXTENT OF STATE AND LOCAL CONTROL All authority not vested by the laws of the state in the Coordinating Board or in the Central Education Agency shall be reserved and retained locally in the College District or in the Board as provided in the laws applicable. *Education Code 130.002*

POWERS AND DUTIES The Board shall have specific powers and duties imposed by statutes of the state. The Board has the legal power and duty to:

GOVERNANCE 1. Be governed in the establishment, management, and control of the College District by the general laws governing the establishment, management, and control of independent school districts insofar as the general law is applicable. *Education Code 130.084*

TUITION AND FEES 2. Set and collect any amount of tuition, rentals, rates, charges, or fees the Board considers necessary for the efficient operation of the College District, except that a tuition rate set under this subsection must satisfy the requirements of Section 54.051(n). The Board may set a different tuition rate for each program, course, or course level offered by the College District, including a program, course, or course level to which a provision of Section 54.051 applies, as the Board considers appropriate to reflect course costs or to promote efficiency or another rational purpose. *Education Code 130.084*

PROVIDE DIRECTION 3. Provide policy direction for the College District and adopt such rules, regulations, and bylaws as the Board deems advisable. *Education Code 51.352(b), 130.082(d)*

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| ESTABLISH GOALS | 4. | Establish goals consistent with the College District's role and mission. <i>Education Code 51.352(d)</i> |
| TAX RATE | 5. | Adopt a tax rate each fiscal year as required by Tax Code 26.05. <i>Education Code 130.121</i> |
| TAX COLLECTION | 6. | Levy and collect taxes and issue bonds. <i>Education Code 130.121(a), 130.122(a)</i> |
| ANNUAL BUDGET | 7. | The Board shall approve an itemized current operating budget on or before September 1 of each year. <i>19 TAC 13.42</i> |
| ANNUAL AUDIT | 8. | Have the accounts audited in accordance with the approved financial reporting system. <i>Education Code 61.065</i> |
| ANNUAL REPORT | 9. | Submit the required annual reports to the governor and comptroller. <i>Gov't Code 403.013</i> |
| BEQUESTS AND GIFTS | 10. | Receive bequests and donations or other monies or funds coming legally into their hands. <i>Education Code 11.151(a)</i> |
| ENDOWMENT FUND | 11. | Establish an endowment fund outside the state treasury in a depository selected by the Board. <i>Education Code 130.007</i> |
| DEPOSITORY | 12. | Select a depository for College District funds. <i>Education Code 51.003</i> |
| ELECTIONS | 13. | Order elections as required by law. <i>Education Code 130.082(f), 130.122(b)</i> |
| EMINENT DOMAIN | 14. | Exercise the right of eminent domain to acquire property. <i>Education Code 11.155, 130.084; Atty. Gen. Op. M-700 (1970)</i> |
| APPOINT COLLEGE PRESIDENT | 15. | Appoint the College President, evaluate the College President, and assist the College President in the achievement of performance goals. <i>Education Code 51.352(d)</i> |
| EMPLOYMENT OF PERSONNEL | 16. | Appoint or employ agents, employees, and officials as deemed necessary or advisable to carry out any power, duty, or function of the Board; employ a dean, or other administrative officer; upon the College President's recommendation, employ faculty and other employees of the College District. <i>Education Code 130.082(d)</i> |
| PASSING RESOLUTIONS OR ORDERS | 17. | Proceed by and through resolutions or orders adopted or passed by the Board. The affirmative vote of a majority of all Board members shall be required to adopt or pass a resolution or order. <i>Education Code 130.082(d)</i> |
| RENTALS, RATES, AND CHARGES | 18. | Be authorized to fix and collect rentals, rates, charges, or fees from students and others for the occupancy, use, or availabil- |

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ity of all or any of its property, buildings, structures, activities, operations, or facilities, in such amounts and in such manner as may be determined by the Board. *Education Code 130.123(c)*

PROPERTY
ACQUISITION

19. Execute, perform, and make payments under a contract for the use or purchase or other acquisition of real property or an improvement to real property. Local Gov't Code 271.004

LEASE OF
PERSONAL
PROPERTY

20. Execute, perform, and make payments under contracts, which may include leases, lease with option(s) to purchase, or installment purchase, with any person for the use, acquisition, or purchase of any personal property, or the financing thereof. The contracts shall be on terms and conditions that are deemed appropriate by the Board in accordance with state law. *Local Gov't Code 271.005*

LAWSUITS

21. Sue and be sued. *Education Code 11.151(a); 130.084*

COMMUNICATE
WITH
COORDINATING
BOARD

22. Ensure that its formal position on matters of importance to the College District is made clear to the Coordinating Board when such matters are under consideration by the Coordinating Board. *Education Code 51.352(d)*
23. Set campus admission standards consistent with the role and mission of the College District and considering admission standards nationwide having a similar role and mission, as determined by the Coordinating Board. *Education Code 51.352(d)*

MANAGEMENT OF
COLLEGE DISTRICT
FUNDS

24. Act as a fiduciary in the management of funds under the control of institutions subject to the Board's control and management. *Education Code 51.352(e)*