

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 914

Short Title: Comm. Coll. Trustee Qualifications.

(Public)

Sponsors: Representatives Dockham; McMahan and Watson.

Referred to: Education.

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE TERMS AND CONDITIONS OF OFFICE OF MEMBERS
OF THE BOARDS OF TRUSTEES OF COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-12 reads as rewritten:

"§ 115D-12. Each institution to have board of trustees; selection of trustees.

(a) Each community college established or operated pursuant to this Chapter shall be governed by a board of trustees consisting of 13 members, or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection, who shall be selected by the following agencies.

Group One – four trustees, elected by the board of ~~education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in G.S. 115D-59. No board of education shall elect any person employed by the board of education to serve as a trustee, however, any such person currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's current term.~~ trustees of the community college.

1 Group Two – four trustees, elected by the board of commissioners of the county in
2 which the institution is located. Provided, however, if the administrative area of the
3 institution is composed of two or more counties, the trustees shall be elected jointly by
4 the boards of commissioners of all those counties, each board having one vote in the
5 election of each trustee. Provided, also, the county commissioners of the county in which
6 the community college has established a satellite campus may elect an additional two
7 members if the board of trustees of the community college agrees. Should the boards of
8 education or the boards of commissioners involved be unable to agree on one or more
9 trustees the senior resident superior court judge in the superior court district or set of
10 districts as defined in G.S. 7A-41.1 where the institution is located shall fill the position
11 or positions by appointment.

12 Group Three – four trustees, appointed by the Governor.

13 Group Four – the president of the student government or the chairman of the
14 executive board of the student body of each community college established pursuant to
15 G.S. 115D shall be an ex officio nonvoting member of the board of trustees of each said
16 institution.

17 (b) All trustees shall be residents of the administrative area of the institution for
18 which they are selected or of counties contiguous thereto with the exception of members
19 provided for in G.S. 115D-12(a), Group Four.

20 (b1) No person shall be appointed to more than two consecutive terms of six years
21 on the board of trustees.

22 (b2) No person who has been employed by the community college within the prior
23 10 years or whose spouse or child is employed by the community college shall serve on
24 the board of trustees of that college. No person who is directly supervised by an
25 appointing agency for a community college as provided in subsection (a) of this section
26 shall serve on the board of trustees of that college.

27 (c) Vacancies occurring in any group for whatever reason shall be filled for the
28 remainder of the unexpired term by the agency or agencies authorized to select trustees of
29 that group and in the manner in which regular selections are made. Should the selection
30 of a trustee not be made by the agency or agencies having the authority to do so within 60
31 days after the date on which a vacancy occurs, whether by creation or expiration of a
32 term or for any other reason, the Governor shall fill the vacancy by appointment for the
33 remainder of the unexpired term."

34 Sec. 2. G.S. 115D-13 reads as rewritten:

35 **"§ 115D-13. Terms of office of trustees.**

36 (a) ~~The regular terms of trustees appointed in 1981 and trustees appointed in 1987~~
37 ~~shall be extended for one year. The term of one or more trustees, as appropriate, elected~~
38 ~~pursuant to G.S. 115D-12 may be extended for one year so that these terms will be~~
39 ~~staggered, unless they are already staggered. Trustees serving on June 30, 1995, who~~
40 ~~were appointed to serve for terms ending on July 1, 1995, or on July 1, 1996, shall serve~~
41 ~~for terms ending July 1, 1996; trustees serving on June 30, 1995, who were appointed to~~
42 ~~serve for terms ending on July 1, 1997, or July 1, 1998, shall serve for terms ending on~~
43 ~~July 1, 1999.~~

1 (b) Except for the ~~one-year extensions of terms set forth in subsection (a) of this section,~~
2 ~~and for the ex officio member, as the terms of trustees currently in office on June 30, 1995,~~
3 expire, their successors shall be appointed for ~~four-year~~ six-year terms.

4 All terms shall commence on July 1 of the year."

5 Sec. 3. G.S. 115D-16 reads as rewritten:

6 "**§ 115D-16. Elective officials serving as trustees.**

7 The office of trustee of any institution established or operated pursuant to this Chapter
8 is ~~hereby declared to be not an office which that~~ may be held by the holder of any elective
9 office, as defined in G.S. 128-1.1(d), in addition to and concurrently with those offices
10 permitted by ~~G.S. 128-1.1. Appointments made on or~~ G.S. 128-1.1, except that members
11 appointed before July 1, 1985, by boards of county commissioners or local boards of education
12 of their own members as trustees are hereby validated, ratified, and confirmed. ~~1995, may~~
13 continue to serve until the end of their terms."

14 Sec. 4. G.S. 115D-19(b) reads as rewritten:

15 "(b) A board of trustees may declare vacant the office of a member who does not
16 attend three consecutive, scheduled meetings without justifiable excuse. A board of
17 trustees may also declare vacant the office of a member who does not participate in a
18 trustee orientation and education session, meeting the qualifications established by the
19 board of trustees, within six months of appointment without justifiable excuse. The
20 board of trustees shall notify the appropriate appointing authority of any vacancy."

21 Sec. 5. This act becomes effective June 30, 1995.