

10202 Duties, Powers, and Responsibilities of the Board

In addition to any other powers and duties imposed upon the Board by the Community College Aid Act, sections 85-917 to 85-996 and 85-1501 to 85-1540 of the Nebraska Revised Statutes, as amended, and any other provision of law, the Board shall be charged with the following duties, powers, and responsibilities:

- (1) To have general supervision, control and operation of the College;
- (2) Subject to coordination by the Coordinating Commission for Postsecondary Education as prescribed in the Coordinating Commission for Postsecondary Education Act, to develop and offer programs of applied technology education, academic transfer programs, academic support courses, and such other programs and courses as the needs of the community college area may require. The Board shall avoid unnecessary duplication of existing programs and courses in meeting the needs of the students and the community college area;
- (3) To employ, for a period to be fixed by the Board, executive officers, members of the faculty, and such other administrative officers and employees as may be necessary or appropriate and fix their salaries and duties;
- (4) Subject to coordination by the Coordinating Commission for Postsecondary Education as prescribed in the Coordinating Commission for Postsecondary Education Act, to construct, lease, purchase, purchase on contract, operate, equip, and maintain facilities;
- (5) To contract for services connected with the operation of the College as needs and interest demand;
- (6)
 - (a) To cause a comprehensive audit of the books, accounts, records, and affairs to be made annually covering the most recently completed fiscal year. The audit of the Area shall include all sources of revenue used to finance operating expenditures and capital improvements and the county-certified property valuation for the community college for the fiscal year for which the audit is being performed. Such audit of the books, accounts, records, and affairs shall be completed and filed with the Auditor of Public Accounts, the commission and the Department of Administrative Services on or before October 15 of each year; and
 - (b) To cause a comprehensive audit of the full-time equivalent student enrollment totals and reimbursable educational unit totals to be made annually covering the most recently completed fiscal year. The audit of the Area shall include a report of full-time equivalent student enrollment totals and reimbursable educational unit totals verified by such audits for the three most recently completed fiscal years which shall be used for calculation of aid to the community college areas for fiscal year 2013-14 and each fiscal year thereafter pursuant to subdivisions (3)(b) and (c) of section 85-2234 of the Nebraska Revised Statutes, as amended. The audit of the full-time equivalent student enrollment totals and reimbursable

educational unit totals shall be completed and filed with the Auditor of Public Accounts, the commission, and the Department of Administrative Services on or before August 15 of each year;

- (7) To establish fees and charges for the facilities authorized by sections 1501 to 1540 of the Nebraska Revised Statutes, as amended. Such fees and charges shall be identified as facility fees at the time they are assessed. The revenue from such fees and charges shall be identified as facility fees at the time they are assessed. The revenue from such fees and charges, other than revenue pledged to retire bonds issued pursuant to sections 85-1515 and 85-1520 to 85-1527 of the Nebraska Revised Statutes, as amended, and deposited in a separate sinking bond fund, shall be deposited into the capital improvement fund provided for in section 85-1515 of the Nebraska Revised Statutes, as amended. The Board may enter into agreements with owners of facilities to be used for housing regarding the management, operation, and government of such facilities and may employ necessary employees to govern, manage, and operate such facilities;
- (8) To receive such gifts, grants, conveyances, and bequests of real and personal property from public or private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the College programs as specified by law. The Board may sell, lease, exchange, invest, or expend such gifts, grants, conveyances, and bequests or the proceeds, rents, profits, and income therefrom according to the terms and conditions thereof and adopt and promulgate rules and regulations governing the receipt and expenditure of such proceeds, rents, profits, and income, except that acceptance of such gifts, grants or conveyances shall not be conditioned on matching state or local funds;
- (9) To prescribe the courses of study for the College, and publish such catalogs and bulletins as may be necessary;
- (10) To grant to every student upon graduation or completion of a course of study a suitable diploma, associate degree, or certificate;
- (11) To adopt and promulgate such rules and regulations and perform all other acts as the Board may deem necessary or appropriate to the administration of the College. Such rules and regulations shall include, but not be limited to, rules and regulations relating to facilities, housing, scholarships, discipline, and pedestrian and vehicular traffic on property owned, operated, or maintained by the College Area;
- (12) To employ, for a period to be fixed by the Board, an executive officer to be called President of The Metropolitan Community College Area, and by written order filed in its office, delegate to such president any of the powers and duties vested in or imposed upon the Board by sections 85-1501 to 85-1540 of the Nebraska Revised Statutes, as amended. Such delegated powers and duties may be exercised in the name of the Board;

- (13) To acquire real property by eminent domain pursuant to Chapter 76, Article 7, of the Nebraska Revised Statutes, as amended;
- (14) To acquire real and personal property and sell, convey, or lease such property whenever the College Area will be benefited thereby. The sale, conveyance, or lease of any real estate owned by the College Area shall be effective only when authorized by an affirmative vote of at least two-thirds of all the members of the Board;
- (15) To enter into agreements for services, facilities, or equipment and for the presentation of courses for students when such agreements are deemed to be in the best interests of the education of the students involved;
- (16) To transfer tribally controlled community college state aid amounts to a tribally controlled community college located within the Metropolitan Community College Area;
- (17) To invest, after proper consideration of the requirements for the availability of money, funds of the College in securities the nature of which individuals of prudence, discretion and intelligence acquire or retain in dealing with property of another;
- (18) To establish tuition rates for courses of instruction offered by the College. Separate tuition rates shall be established for students who are non-residents of the State of Nebraska. The Board may also establish fees to support the operating expenditures of the College if such fees are accounted for separately from the fees and charges established for facilities pursuant to subdivision 7 of this section and are identified as operating fees at the time they are assessed;
- (19) To establish a fiscal year for the Area which conforms to the fiscal year of the state;
- (20) To enter into a memorandum of understanding with the State Board of Education to adopt a policy to share student data. At a minimum, the policy shall ensure that the exchange of information is conducted in conformance with the requirements of the federal Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, and all federal regulations and applicable guidelines adopted in accordance with such act, as such act, regulations, and guidelines existed on January 1, 2010; and
- (21) To exercise any other powers, duties, and responsibilities necessary to carry out the provisions of sections 85-1501 to 85-1540 of the Nebraska Revised Statutes, as amended.

Additional Powers of the Board

- (A) The Board may certify property tax levies in such amounts and for such purposes, in such manner and to such authorities, as may from time to time be authorized by law.
- (B) The Board may issue and sell revenue bonds and general obligation bonds for the purchase, construction, reconstruction, equipping, demolition, or alteration of capital

assets, including accessibility barrier elimination project costs and abatement of environmental hazards as such terms are defined in section 79-10,110 of the Nebraska Revised Statutes, as amended, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances and other facilities connected with the operation of the College Area. The Board may establish in its budget a capital improvement and bond sinking fund. Such fund shall be used (1) first for the retirement of bonds assumed by the Board in accordance with the provisions of such bonds, (2) and then for (a) renewal work and deferred maintenance as defined in section 81-173 of the Nebraska Revised Statutes, as amended, (b) handicapped access and life safety improvements made to existing structures or grounds including accessibility barrier elimination project costs and abatement of environmental hazards as such terms are defined in section 70-10,110 of the Nebraska Revised Statutes, as amended, and (c) projects designed to prevent or correct a waste of energy, including utilization of alternative energy sources in accordance with the Area's capital facilities plan, (3) then for the retirement of bonds pursuant to this section, and (4) then for the purchasing, purchasing on contract, constructing, and improving of facilities necessary to carry out the provisions of the Nebraska Revised Statutes, as amended. Revenue bonds issued shall be subject to all applicable provisions of sections 85-1520 to 85-1527 of the Nebraska Revised Statutes, as amended. No general obligation bonds shall be issued without the approval by a majority vote of the qualified electors of the Area voting in an election called for such purpose pursuant to section 85-1518 of the Nebraska Revised Statutes, as amended. No bonds issued under sections 85-1501 to 85-1540 of the Nebraska Revised Statutes, as amended shall be an obligation of the State of Nebraska and no state tax shall be levied to raise funds for the payment thereof or interest thereon.

- (C) The Board may issue warrants in an amount necessary to finance the operating expenses of the College Area until the proceeds of the tax levy as provided in section 85-1517 of the Nebraska Revised Statutes, as amended are received. The amount of such warrants plus interest shall not exceed the amount of the money to be received from the property tax levy. Whenever such warrants are issued they shall be the general obligation of the College Area and the full faith and credit of the Area shall be pledged to retire such warrants. In addition, the Board shall set aside from the proceeds of the property tax levied pursuant to the Nebraska Revised Statutes, as amended an amount sufficient to pay the warrants and the interest thereon. Such warrants shall be subject to registration as provided in Chapter 77, Article 22, of the Nebraska Revised Statutes, as amended.

(Amended 9/22/92; 1/22/2013)