



PRESENTED TO THE BOARD OF TRUSTEES

DATE: August 6, 2018

SUBJECT: Delegation to the Chancellor		Item Number: 3	
		Attachment: Yes (1)	
CATEGORY:	Office of General Counsel	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Marc LeForestier, General Counsel	Consent/Routine	
		First Reading	
Approved for Consideration:	 Eloy Ortiz Oakley, Chancellor	Action	X
		Information	

**ISSUE:** This item seeks adoption of Resolution 2018-02, delegating certain authority from the Board of Trustees to the Chancellor of the California Community Colleges (“Chancellor”) “to guide the formation” of the California Online Community College District.

**BACKGROUND:** The California Online Community College Act requires the Board of Trustees to administer the California Online Community College as its governing board. (Ed. Code, § 75003, subd. (a).) It is also authorized to contract with the Foundation for California Community Colleges for the purpose of providing administrative support for the college’s start-up functions. (Ed. Code, § 75005, subd. (d)(6).)

The legislation also provides broad authority to the Board to delegate its authority to members of the Board, to the Chancellor, and to others, under appropriate circumstances. (Ed. Code, §§ 70901, subd. (d); 75005, subd. (d).)

The Board Policies and Procedures reserve until a later date the contracting provisions that will govern the actions of the Chief Executive Officer. **(Background cont.)**

**RECOMMENDED ACTION:** The Board of Governors is asked to adopt the following resolution:

Be it Resolved,

The California Online Community College District Board of Trustees directs the following actions:

- Consistent with California Education Code section 75005, subdivisions (d)(1), the Board of Trustees authorizes the Chancellor to take the official actions to manage the online college

including, but not limited to, acquiring or disposing of online college assets, entering into contracts, making expenditures, and managing facilities, funds, personnel and property until the appointment of a permanent Chief Executive Officer for the District.

- Consistent with Education Code section 75005, subdivisions (d)(6), the Board of Trustees authorizes the Chancellor to contract with the Foundation for California Community Colleges for the purpose of providing administrative support for the college's start-up functions.
- Official actions taken by the Chancellor under the authority of this Resolution must be reported promptly to the Chair and Vice-Chair of the Executive Committee of the Board of Trustees. Any official actions taken by the Chancellor under the authority of this Resolution involving more than \$100,000 in college assets, contracts, expenditures, facilities, funds, or property must be ratified by the Executive Committee. Contracts entered by the Chancellor under the authority of this Resolution involving lesser amounts are effective upon execution.
- In performing the actions required by this Resolution, the Chancellor and his designees shall be entitled to reimbursement of expenses on the same terms as the Chief Executive Officer and his or her designees under the Board's Policies and Procedures.

***(Background cont.)***

Under the proposed Resolution 2018-02, the California Online Community College Board of Trustees would delegate to the Chancellor the following authority:

1. to take official actions to manage the online college including, but not limited to, acquiring or disposing of online college assets, entering into contracts, making expenditures, and managing facilities, funds, personnel and property until the appointment of a permanent Chief Executive Officer for the District; and
2. to contract with the Foundation for California Community Colleges for the purpose of providing administrative support for the college's start-up functions.

The resolution provides for oversight of the Chancellor's actions. First, official actions taken by the Chancellor under the authority of this resolution must be reported promptly to the Chair and Vice-Chair of the Executive Committee of the Board of Trustees. Second, any such official actions involving more than \$100,000 in value, must be ratified by the Executive Committee of the Board. However, contracts entered by the Chancellor under the authority of this Resolution involving lesser amounts are effective upon execution. This provision parallels the authority of the Chancellor under the Board of Governors' existing Standing Orders.

Finally, this resolution would establish a basis for reimbursing the Chancellor and his staff for business expenses incurred in the course of work for the California Online Community College.

**ANALYSIS:** The proposed Resolution 2018-02 is necessary to allow the Chancellor and his designees to commence the work on behalf of the Board of Trustees to guide the formation of the District, as contemplated by the Legislature.

**ATTACHMENTS:** Resolution 2018-02 (Attachment 1).