

# Chapter 132C-104 WAC

## BYLAWS AND STANDING ORDERS OF BOARD OF TRUSTEES

<b>WAC</b>	
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132C-104-07001 Legislative matters. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 78-05-002 (Order 18, Resolution 46-0378), § 132C-104-070 (codified as WAC 132C-104-07001), filed 4/6/78.] Decoded by 08-19-095, filed 9/16/08, effective 9/16/08. Recodified as WAC 132C-10-07001.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132C-104-005	Name, composition, and powers of the board of trustees. [Order 4433, § 132C-104-005, filed 1/24/74.] Repealed by 78-05-001 (Order 17, Resolution No. 45-0378), filed 4/6/78. Statutory Authority: Chapters 28B.10 and 28B.50 RCW.
132C-104-010	The board of trustees. [Order 4433, § 132C-104-010, filed 1/24/74.] Repealed by 78-05-001 (Order 17, Resolution No. 45-0378), filed 4/6/78. Statutory Authority: Chapters 28B.10 and 28B.50 RCW.
132C-104-015	Special provision relating to the board of trustees. [Order 4433, § 132C-104-015, filed 1/24/74.] Repealed by 78-05-001 (Order 17, Resolution No. 45-0378), filed 4/6/78. Statutory Authority: Chapters 28B.10 and 28B.50 RCW.
132C-104-020	Officers of the board. [Order 4433, § 132C-104-020, filed 1/24/74.] Repealed by 78-05-001 (Order 17, Resolution No. 45-0378), filed 4/6/78. Statutory Authority: Chapters 28B.10 and 28B.50 RCW.
132C-104-025	Powers and duties of officers. [Order 4433, § 132C-104-025, filed 1/24/74.] Repealed by 78-05-001 (Order 17, Resolution No. 45-0378), filed 4/6/78. Statutory Authority: Chapters 28B.10 and 28B.50 RCW.
132C-104-030	Committees. [Order 4433, § 132C-104-030, filed 1/24/74.] Repealed by 78-05-001 (Order 17, Resolution No. 45-0378), filed 4/6/78. Statutory Authority: Chapters 28B.10 and 28B.50 RCW.
132C-104-035	Meetings. [Order 4433, § 132C-104-035, filed 1/24/74.] Repealed by 78-05-001 (Order 17, Resolution No. 45-0378), filed 4/6/78. Statutory Authority: Chapters 28B.10 and 28B.50 RCW.
132C-104-040	Seal. [Statutory Authority: Chapter 28B.50 RCW. 08-04-038, § 132C-104-040, filed 1/30/08, effective 3/1/08; Order 4433, § 132C-104-040, filed 1/24/74.] Decoded by 08-19-095, filed 9/16/08, effective 9/16/08. Recodified as WAC 132C-10-001.
132C-104-045	Meeting procedures. [Order 4433, § 132C-104-045, filed 1/24/74.] Repealed by 78-05-001 (Order 17, Resolution No. 45-0378), filed 4/6/78. Statutory Authority: Chapters 28B.10 and 28B.50 RCW.
132C-104-050	Procedures. [Order 4433, § 132C-104-050, filed 1/24/74.] Repealed by 78-05-001 (Order 17, Resolution No. 45-0378), filed 4/6/78. Statutory Authority: Chapters 28B.10 and 28B.50 RCW.
132C-104-055	Gifts. [Order 4433, § 132C-104-055, filed 1/24/74.] Repealed by 78-05-001 (Order 17, Resolution No. 45-0378), filed 4/6/78. Statutory Authority: Chapters 28B.10 and 28B.50 RCW.
132C-104-060	Regular meetings of the board of trustees. [Statutory Authority: Chapter 28B.50 RCW. 85-13-024 (Order 23, Resolution No. 51-0585), § 132C-104-060, filed 6/11/85; 78-09-008 (Order 20, Resolution No. 48-0678), § 132C-104-060, filed 8/7/78. Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 78-05-002 (Order 18, Resolution No. 46-0378), § 132C-104-060, filed 4/6/78.] Repealed by 09-04-025, filed 1/28/09, effective 2/28/09. Statutory Authority: Chapter 28B.50 RCW.
132C-104-070	Meetings. [Order 3422, § 132C-104-070, filed 5/15/72.] Repealed by Order 4433, filed 1/24/74.

**WAC 132C-104-001 Preamble.** (1) Community College District No. 3 is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees appointed by the governor. The terms "Community College District No. 3," "district," "Olympic College," and "college" are used interchangeably throughout this title.

(2) The administrative office of Olympic College is located at 1600 Chester Avenue, Bremerton, Washington 98337-1699. (The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.)

[Statutory Authority: Chapter 28B.50 RCW. 09-04-025, § 132C-104-001, filed 1/28/09, effective 2/28/09.]

**WAC 132C-104-002 Name, composition and powers of the board of trustees.** (1) **Name:** The name of the governing board of Washington Community College District No. 3, shall be "the board of trustees of Olympic Community College." The terms "the board of trustees of Olympic Community College," "the board of trustees," or "board" are used interchangeably throughout this title.

(2) **Composition and powers:** The composition and powers of the board of trustees are those set forth in chapter 28B.50 RCW.

(3) **Bylaws:** The board shall by resolution adopt such bylaws for its own governance and for the governance of the college as the board shall from time to time determine in accordance with RCW 28B.50.100 and other applicable law.

(4) **Amendments:** The bylaws adopted by the board may be amended or repealed at any meeting in whole or in part by the affirmative vote of a majority of the members of the board.

(5) **Policies and rules:** Rules and policies are promulgated by the board of trustees of Community College District No. 3 as general policies of Olympic College. Requests for adoption, repeal, or amendment of a college rule may be addressed to the rules coordinator for the college.

(6) **Exercise of powers:** The board and its committees shall act only at meetings called as provided by applicable law and the board bylaws. All matters coming before the board shall be determined by the majority vote of not less than three of its members present, the members present being not less than a quorum. The member of the board who is presiding at a meeting shall be entitled to make motions, second motions, vote, and otherwise participate in the meeting to the same extent as the other members of the board.

[Statutory Authority: Chapter 28B.50 RCW. 09-04-025, § 132C-104-002, filed 1/28/09, effective 2/28/09.]

**WAC 132C-104-003 Regular meetings.** The board of trustees customarily holds a regular meeting once per month unless otherwise determined by the board. The time and location of these meetings may be found in the *Washington State Register* or by contacting the office of the president, Olympic College, 1600 Chester Avenue, Bremerton, Washington. The chairperson of the board may cancel any regular meeting. All such regular meetings will be conducted in conformance with the laws of the state of Washington governing such meetings.

[Statutory Authority: Chapter 28B.50 RCW. 09-04-025, § 132C-104-003, filed 1/28/09, effective 2/28/09.]

**WAC 132C-104-004 Petition to board for promulgation, amendment, or repeal of rule.** (1) Persons having an interest in the promulgation, amendment, or repeal of a "rule" as defined in RCW 34.05.010(16) may submit a written petition therefore to the secretary of the board of trustees. Any petition so submitted shall include the following as required by the office of financial management under WAC 82-05-020:

(a) The name of the agency responsible for administering the rule; and

(b) The rationale for adoption of a new rule or amendment or repeal of an existing rule; and

(c) In addition to any other concerns, the petitioner should address whether:

- The rule is authorized;
- The rule is needed;
- The rule conflicts with or duplicates other federal, state, or local laws;
- Alternatives to the rule exist that will serve the same purpose at less cost;
- The rule applies differently to public and private entities;
- The rule serves the purposes for which it was adopted;
- The rule imposes unreasonable costs;
- The rule is clearly and simply stated; and
- The rule differs, without adequate justification, from a federal law which applies to the same activity or subject matter.

(2) The petition should contain sufficient information so that the agency and public can understand the proposal. Forms for submitting petitions for promulgation, amendment, or repeal of rules are available from the office of financial management. The petition shall be considered by the board not less than sixty days after the date the petition was submitted to the secretary, provided, that the board may consider the petition at any earlier regular or special meeting of the board. No later than sixty days after receipt of a petition, the college must either:

(a) Initiate rule-making proceedings in accordance with chapter 34.05 RCW; or

(b) Deny the petition in writing, stating its reasons for the denial and specifically addressing the concerns stated in the petition. Where appropriate, the college must indicate alternative means by which the college will address the concerns raised in the petition.

[Statutory Authority: Chapter 28B.50 RCW. 09-04-025, § 132C-104-004, filed 1/28/09, effective 2/28/09.]

**WAC 132C-104-006 Standing orders of the board of trustees.** (1) **Delegation of authority:** The board of trustees delegates to the president general authority to manage the college pursuant to RCW 28B.50.140. In addition to such other specific authority as has been or may be delegated to the president, the board further delegates all express or implied authority to carry out the administration and operation of the district except as provided in subsection (2) and (3) of this section.

(2) **Reservation of powers:** Notwithstanding this broad delegation of authority to the president of Olympic College, the board of trustees reserves to itself jurisdiction and authority over the following matters:

(a) Hiring and retention of the president, assigning or reassigning the president's duties, and setting the president's salary and working conditions;

(b) Granting or denying tenure to faculty;

(c) Adoption, amendment, or revocation of rules under the Administrative Procedure Act;

(d) Reduction in force of faculty and dismissal of full-time faculty, including nonrenewal of tenure track faculty;

(e) Approval of employee collective bargaining agreements;

(f) Approval of college operating budget and capital budget requests to the state board for community and technical colleges;

(g) Naming of college buildings;

(h) Approval of tuition rates, operating fees and special fees when at the discretion of the college;

(i) Approval of request for employee indemnification and representation;

(j) Authorization to purchase real estate and every lease of real property for a term of three years or more when the college is required to make payment of fifty thousand dollars or more in a fiscal year under the terms of the lease; and

(k) Other matters as may from time to time be approved by the board.

(3) **Fiscal limitations on delegation:** Notwithstanding the board delegation of authority to the president of Olympic College, the board of trustees reserves to itself jurisdiction and authority over the following matters when the dollar value is in excess of the following limits:

(a) Approval of preliminary and final design of capital projects over five million dollars;

(b) Modifications to the operating budget in excess of three percent;

(c) Sale or conveyance of gifted property when the value is in excess of fifty thousand dollars;

(d) Acceptance of gifts when the value is in excess of twenty-five thousand dollars; and

(e) Other matters as may from time to time be approved by the board.

[Statutory Authority: Chapter 28B.50 RCW. 09-04-025, § 132C-104-006, filed 1/28/09, effective 2/28/09.]