

- SUBJECT:** Removal of a member of a junior college district board of trustees
- COMMITTEE:** Higher Education — favorable, without amendment
- VOTE:** 8 ayes — Morrison, Goolsby, F. Brown, Dawson, Gallego, Giddings, J. Jones, Rose
- 0 nays
- 1 absent — Harper-Brown
- WITNESSES:** For — Charles Conner, Alamo Community College District; Allen Kaplan
- Against — None
- BACKGROUND:** Local Government Code, ch. 87, subch. B authorizes the removal of county officers from office by petition and trial. Officers may be removed by a petition filed with the district court in the county in which the officer resides. Once a petition has been filed, the officer is notified by citation at which time the officer may be suspended. Officers can be removed only following a trial by jury.
- DIGEST:** HB 295 would amend Education Code, ch. 130, which governs community college districts, to authorize the removal of a member of a board of trustees of a junior college district for nonattendance of board meetings.
- It would be grounds for removal of a member of a board of trustees if the member were absent from more than half of the regularly scheduled board meetings that the member was eligible to attend during a calendar year. It would not apply to an absence for which the member was excused by a majority vote of the board.
- Actions taken by the board of trustees would be considered valid and not affected by the fact that an action was instituted to remove a board member. Removal of a board member would have to conform to procedures set forth in Local Government Code, ch. 87, subch. B.

The bill would apply to individuals elected or appointed to the board of trustees of a junior college district before, on, or after the effective date of the bill.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

There currently is no way to deal with a member of the board of trustees of a junior college district who does not attend regularly scheduled board meetings. The board has no legal recourse to compel a board member to attend or to remove the board member.

When board members are elected, they take an oath and swear to serve to the best of their ability. Part of public service is showing up for the meetings and being prepared to make tough decisions. Junior college board meetings are an important venue for communication with stakeholders in the community. Important decisions regarding the budget and tuition rates are just a few of the important items that need the attention of board members, and the board members need to be present when those decisions are made.

In some egregious cases in Austin and San Antonio, board members abandoned their duties for long periods of time, leaving their districts unrepresented yet refusing to resign before their terms expired.

If a board member has a legitimate reason to miss regularly scheduled meetings such as due to illness, the provisions in HB 295 would accommodate those needs. The bill would provide a simple and efficient way to remove elected officials who shirked their duties and would provide a trustee with due process by using current procedures for removing county officials.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The companion bill, SB 114 by Van de Putte, passed the Senate by 29-0 on April 18 and was reported favorably, without amendment, by the House Higher Education Committee on May 9.