§ 6310. Community college regions - administration and finance. 1. Each community college region and community college sponsored by such region shall be administered by a single board of trustees of fourteen members, thirteen of whom shall be appointed for terms of seven years, as set forth in this subdivision, and one member elected as herein provided, except that initial appointments shall be made for terms of one to nine years respectively. Seven members shall be appointed by the local legislative bodies or boards of those counties eligible to appoint members to the community college regional board of trustees. The seven locally appointed members of such board may include one member from the local legislative body or board of each county eligible to appoint members to the community college regional board of trustees. Membership in a community college regional board of trustees shall be apportioned among the counties participating in such board in accordance with the number of full-time equivalent students attending a community college sponsored by such regional board who are residents of the respective participating counties, and in accordance with such further regulations as may be prescribed by the state university trustees. Six members shall be appointed by the governor and one member elected by and from among the students of the college who shall serve as a member of the board for a one-year term, provided, however, that the term of the student member first elected shall be nine months commencing October first, nineteen hundred eighty-four. The student member shall be afforded the same parliamentary privileges as are conferred upon members, including but not limited to the right to make and second motions and to place items on the agenda. Such student member shall be subject to every provision of any general, special or local law, ordinance, charter, code, rule or regulation applying to the members of such board with respect to the discharge of their duties including, but not limited to, those provisions setting forth codes of ethics, disclosure requirements and prohibiting business and professional activities. The election of the student member shall be conducted in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines established by the state university trustees. In the event that the student member ceases to be a student at the institution, he shall be required to resign. The governor's initial appointments shall be as follows: (a) two individuals

shall be appointed for terms of two and four years respectively; (b) two individuals for terms of six years and two individuals for terms of eight years. Appointments by local authorities shall be as follows: (a) three individuals for terms of one, three and five years, respectively; (b) two individuals for terms of seven years, and two individuals for terms of nine years. Vacancies shall be filled for unexpired terms in the same manner as original selections by the authority responsible for the original selection. The board shall select its own chairman from among its voting membership. Trustees shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this article. Members initially appointed or elected under this subdivision to any community college regional board of trustees hereafter established shall take office immediately upon their selection and qualification, but for purposes of determining the expiration of their respective terms and the commencement of the terms of their successors, the term of office of each such initial member shall be deemed to have commenced on the first day of July of the year in which such college was established. The terms of office of all members of community college regional boards of trustees heretofore established, appointed or elected as provided in this subdivision, shall terminate on the thirtieth day of June of the calendar year within which such terms expire under the provisions of this subdivision as hereby amended. For the purpose of determining such year all initial terms of office of appointed members of the community college regional board of trustees heretofore established shall be deemed to have commenced on the first day of July of the year in which such community college regions were established and the terms of their successors for full terms, if any, shall be deemed to have commenced upon the expiration of the number of years from such date for which such initial appointments were made.

The one member elected by and from among the students of the college may be removed by such students in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines promulgated by the state university trustees.

1-a. Notwithstanding the provisions of subdivision one of this section, a community college region established to operate as local sponsor of Jamestown community college shall be administered by a single board of trustees of fifteen members, fourteen of whom shall be appointed for terms of seven years, except that the initial appointments shall be made as set forth in this subdivision, and one member who shall be elected by and from among the students of the college and shall serve as set forth in subdivision one of this section. Eight members shall be appointed by the local governing bodies of the counties and city eligible to appoint members to the Jamestown community college regional board of trustees, and six members shall be appointed by the governor. The eight locally appointed members of such board may include one member appointed from among the local governing bodies of the counties or city eligible to appoint members to the regional board of trustees. Membership in the Jamestown community college regional board of trustees shall be apportioned in accordance with the number of full-time equivalent students attending the community college who are residents of the respective participating counties or city, and in accordance with such further regulations as may be prescribed by the state university trustees.

Upon the effective date of this subdivision, and notwithstanding any inconsistent provision of any other law, the current Jamestown community college board of trustees shall be redesignated the Jamestown community college regional board of trustees and the terms of the current members of the Jamestown community college board of trustees shall continue until their expiration or termination as provided by section sixty-three hundred six of this chapter. The governor's initial appointments to the Jamestown community college regional board of trustees shall be as follows: one individual shall be appointed for a term of three years, and one individual shall be appointed for a term of five years. Initial appointments by the local authorities shall be as follows: one individual shall be appointed for a term of two years, one individual shall be appointed for a term of four years, and one individual shall be appointed for a term of six years. Vacancies shall be filled for unexpired terms in the same manner as original selections by the authority responsible for the original selection. The board shall select

its own chairman from among its voting membership. Trustees shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this article. Members initially appointed or elected under this subdivision to any community college regional board of trustees hereafter established shall take office immediately upon their selection and qualification, but for purposes of determining the expiration of their respective terms and the commencement of the terms of their successors, the term of office of each such initial member shall be deemed to have commenced on the first day of July of the year in which such college was established. The terms of office of all members of community college regional boards of trustees heretofore established, appointed or elected as provided in this subdivision, shall terminate on the thirtieth day of June of the calendar year within which such terms expire under the provisions of this subdivision as hereby amended. For the purpose of determining such year, all initial terms of office of appointed members of the community college regional board of trustees heretofore established and the terms of their successors for full terms, if any, shall be deemed to have commenced upon the expiration of the number of years from such date for which such initial appointments were made.

The one member elected by and from among the students of the college may be removed by such students in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines promulgated by the state university trustees.

1-b. Notwithstanding any provision of this article to the contrary, with regard to the operating costs of the Jamestown community college, the county of Chautauqua, as a local sponsor of such college, may pay all such operating costs incurred by such county and may also pay all such operating costs incurred by any city within such county which is a local sponsor of such college. The county of Chautauqua may pay all such operating costs pursuant to this subdivision:

(a) without any charge back to any city or town within such county; or

(b) with a charge back of all or any portion of such operating costs

to the cities (including the city of Jamestown) and towns in such county, in proportion to the number of students attending such community college each term who were residents of each such city or town at the beginning of such term.

2. Pursuant to such regulations and limitations as may be established and prescribed by the state university trustees, the community college regional board of trustees may enter into any contract or agreement deemed necessary or appropriate for the effective operation of the college, including: (a) contracts or agreements entered into with the federal government to enable participation in federal student loan programs, including any and all instruments required thereunder; and (b) contracts with non-profit corporations organized by officers, employees, alumni or students of the college for the furtherance of its objects and purposes. Notwithstanding the provisions of any other law, general, special or local, such contracts entered into with such non-profit corporation shall not be subject to any requirement that contracts be let to the lowest responsible bidder after advertisement for bids. Nothing contained in this subdivision shall be deemed to diminish or impair any powers or authority otherwise vested in the community college regional board of trustees.

3. Pursuant to such regulations and limitations as may be established and prescribed by the state university trustees with the approval of the director of the budget, the community college regional board of trustees may participate in cooperative educational programs, services and arrangements with colleges, universities, school districts, boards of cooperative educational services, libraries, museums and join any cooperative association of such educational institutions formed as a corporation pursuant to section two hundred sixteen of this chapter.

4. The community college regional board of trustees is hereby created a body corporate. All property which is now vested in, or shall hereafter be conveyed or transferred to the community college regional board of trustees, shall be held by them as a corporation.

4-a. (a) A community college regional board of trustees shall have the

authority to appoint security officers for the community college and, in its discretion, to designate or to revoke the designation of one or more than one security officer as a peace officer. A security officer so designated shall have the powers of a peace officer as set forth in section 2.20 of the criminal procedure law. A security officer designated as a peace officer must have satisfactorily completed or complete, within one year of the date of such designation, a course of law enforcement training prescribed by the municipal police training council in consultation with the state university board of trustees. A peace officer so designated may possess and carry a firearm as a part of on duty employment only if authorized to do so by the president of the community college. The geographical area of employment of a peace officer so designated is the campus and other property of the community college at which the peace officer serves, including that portion of a public highway which crosses or abuts such property, and residential or other facilities owned, operated, or maintained by a not-for-profit entity associated with the community college for which such college provides security.

(b) The appointment of security officers at a community college shall be governed by and conform with civil service laws, rules and regulations, if applicable to the community college and its employees. The designation of a security officer as a peace officer shall be based on qualifications established by the community college board of trustees, and in accordance with seniority. For purposes of this subdivision, "seniority" means total employment service with the community college making such designation.

(c) A security officer who has been designated a peace officer may have such designation suspended or removed pursuant to procedures established by the community college or in compliance with any local collective bargaining agreement, if applicable to the community college and its employees.

(d) The designation of peace officers pursuant to this subdivision shall not be deemed to supersede in any way the authority of other peace officers and police officers.

(e) Nothing contained in this section shall be construed to: (i) alter any existing collective bargaining agreement; (ii) diminish the rights of employees pursuant to an existing collective bargaining agreement;

(iii) affect existing law with respect to an application to the public employment relations board seeking designation by the board that certain persons are managerial or confidential; or (iv) alter or restrict the power of a county or community college sponsor or employee organization to negotiate with respect to an alternate method of appointment or promotion of security officers.

5. Two or more eligible counties appointing members to a community college regional board of trustees shall divide the local share of the capital costs of a community college sponsored by such community college region according to the respective equalized assessed valuations of such counties or such other factors as may be prescribed by the state university trustees. The local share of the operating expenses of a community college sponsored by a community college region shall be apportioned among those counties appointing members to the community college regional board of trustees on the basis of operating shares. Such operating shares shall be allocated in proportion to the number of students attending the community college who are residents of the respective counties participating on the community college regional board, calculated on the basis of full-time equivalent students, in the same manner as the allocable portion of the local sponsor's share of operating costs pursuant to section sixty-three hundred five of this chapter, and such other factors as may be prescribed by the state university trustees. Any community college sponsored by a community college region may, under the provisions of section six thousand three hundred five of this chapter, elect to charge an allocable portion of the operating costs incurred by the regional sponsor, and a further sum on account of the regional sponsor's share of capital costs, to the counties of residence of students attending such college who are non-residents of the community college region.

6. The final budget of the community college region as adopted by the regional board of trustees and approved by the state university trustees shall be a charge against all of the counties appointing members to such board. The regional board of trustees, after approval of its budget, shall certify to the legislative body or board of all counties appointing members to such regional board the respective proportionate

share of the capital and operating costs required to be raised by each county. The counties shall add such costs, as certified, to their own budgets and provide such certified costs by appropriations from general revenues or from funds derived from special tax levies earmarked in part or whole for such purposes, by the use of gifts of money or, with the consent of the state university trustees, by the use of property, gifts of property or by the furnishing of services. Where a county provides all or a portion of its share of capital or operating costs in real or personal property or in services, the valuation of such property and services for the purpose of determining the amount of state aid shall be made by the state university trustees with the approval of the director of the budget. Such funds shall be turned over to the treasurer of the community college sponsored by the community college region within the fiscal year of such region. Notwithstanding any other provision of this subdivision, all counties appointing members to a community college regional board of trustees may require that any budget proposed by such regional board, which would result in an increase in the level of contributions to college revenues by such counties over the level of contributions required for the previous college fiscal year, shall be approved by the legislative body or board of all such counties.

7. Notwithstanding the provisions of any general, special or local law to the contrary, the fiscal year of a community college sponsored by a community college region shall begin with the first day of September and end with the thirty-first day of August in each year. All of the provisions of law fixing times or dates within which or by which certain acts shall be performed in relation to the preparation and adoption of the budget of a county, including but not limited to submission of a budget estimate, filing of a tentative budget, public hearing and adoption of a budget, shall apply to the budget of a community college-sponsored by a community college region but shall be correspondingly changed, as to time, to relate to the commencement of the fiscal year of the community college region; provided, however, that after the budget for the community college region shall have been adopted, the counties appointing members to a community college regional board of trustees shall provide for the raising of taxes required by such budget, without any decrease in amount, in the same manner and at

the same time prescribed by law for the annual levy of taxes by or for the county.

8. Moneys raised by taxation for maintenance of a community college region and moneys received from all other sources for purposes of the community college region shall be kept separate and distinct from any other moneys of the counties appointing members to the community college regional board of trustees and shall not be used for any other purpose. The amount of taxes levied for maintenance of a community college region shall be credited thereto and made available therefor within the fiscal year of such community college region.

9. The community college regional board of trustees shall direct that payment of amounts for maintenance of the college be made in whole or in part to the treasurer of the community college sponsored by such region for expenditure by such officer, subject to such regulations regarding the custody, deposit, audit and payment thereof as such board of trustees may deem proper.

The board of trustees may authorize the treasurer of the college to establish a bank account or accounts in the name of the college and deposit therein moneys received or collected by the college, including moneys appropriated and paid by the counties appointing members to the community college regional board of trustees, moneys received from tuition, fees, charges, sales of products and services, and from all other sources. The board of trustees may authorize the treasurer to pay all proper bills and accounts of the college, including salaries and wages, from funds in its custody. The treasurer shall execute a bond or official undertaking to the community college regional board of trustees in such sum and with such sureties as that board shall require, the expense of which shall be a college charge.

The community college regional board of trustees similarly may authorize the treasurer to establish and maintain petty cash funds, not in excess of two hundred dollars each, for specified college purposes or undertakings, from which may be paid, in advance of audit, properly itemized and verified or certified bills for materials, supplies or

services furnished to the college for the conduct of its affairs and upon terms calling for the payment of cash to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. Lists of all expenditures made from such petty cash funds shall be presented to the board of trustees at each regular meeting thereof, together with the bills supporting such expenditures, for audit and the board shall direct reimbursement of such petty cash funds from the appropriate budgetary item or items in an amount equal to the total of such bills which it shall so audit and allow. Any of such bills or any portion of any of such bills as shall be disallowed upon audit shall be the personal responsibility of the treasurer and such official shall forthwith reimburse such petty cash fund in the amount of such disallowances.

The community college regional board of trustees shall provide for periodic audits of all accounts maintained at its direction and render such reports respecting any and all receipts and expenditures of the college as the local legislative body or board, or other appropriate governing agency, may direct.

10. All proposals for the acquisition or construction, including new construction, additions or reconstruction of college facilities adopted by a community college regional board of trustees shall be approved by the legislative body or board of all counties appointing members to such board of trustees, and the state university trustees. Upon such approvals, each participating county may finance its proportionate share of the cost of acquisition of such facilities either from any current funds legally available therefor, or by the issuance of obligations pursuant to the local finance law. All counties participating in such regional board of trustees may together issue joint obligations pledging the full faith and credit for all participating counties jointly and that each such county shall pay a specified share of annual debt service on such joint obligations in accordance with the provisions of article five-g of the general municipal law and applicable provisions of the local finance law.

10-a. Notwithstanding the provisions of subdivision ten of this

section, upon receipt of the approvals set forth in such subdivision, the board of trustees of the community college region may finance a duly authorized specific object or purpose or class of objects or purposes by the issuance of bonds, notes or other evidence of indebtedness or pursuant to a financing transaction of the community college region with the dormitory authority in accordance with the provisions of article eight of title four of the public authorities law.

11. The community college regional board of trustees, for the purpose of administering the state civil service law, shall be deemed to be a municipal employer. No civil service rights of an employee of any community college or local sponsor shall be lost, impaired or affected by reason of the enactment of this section and related amendments of this article into law.

12. For the purposes of article fourteen of the civil service law, the community college regional board of trustees shall be deemed to be the public employer and as such shall negotiate with and enter into written agreements with employee organizations representing the instructional staff and non-instructional staff of the community colleges that have been certified or recognized under such article. For purposes of such article, the president of the community college shall be deemed to be the chief executive officer, the chief legal officer of the community college shall be chief legal officer, and the community college regional board of trustees shall be deemed to be the legislative body of the government. The state public employment relations board shall have exclusive jurisdiction for the purpose of administering the provisions of such article.

13. For the purpose of this section, all references in this section to a "county" or "counties" shall be deemed to include a city or cities, or a school district or school districts, as the case may be.

14. a. The following terms, when used or referred to in this subdivision, shall have the following meaning:

(i) "Credit card" means any credit card, credit plate, charge card, charge plate, courtesy card, debit card, other identification card,

value transfer device as defined by the state comptroller or device issued by a person to another person which may be used to obtain a cash advance or a loan or credit, or to purchase or lease property or services on the credit of the person issuing the credit card or a person who has agreed with the issuer to pay obligations arising from the use of a credit card issued to another person.

(ii) "Card issuer" means an issuer of a credit card, charge card or other value transfer device.

(iii) "Financing agency" means any agency defined as such in subdivision eighteen of section four hundred one of the personal property law.

(iv) "Person" means an individual, partnership, corporation or any other legal or commercial entity.

b. The community college regional board of trustees of any community college may determine, by resolution, that it is in the public interest to authorize such community college to enter into agreements with one or more financing agencies or card issuers to provide for the acceptance, by such officers of the community college as may be designated pursuant to this subdivision, of credit cards as a means of payment of tuition, expenses, fees, charges, revenue, financial obligations or other amounts owed by students to the community college. Any such agreement shall govern the terms and conditions upon which a credit card proffered as a means of payment of tuition, expenses, fees, charges, revenue, financial obligations or other amounts shall be accepted or declined and the manner in and conditions upon which the financing agency or card issuer shall pay to such community college the amount of tuition, expenses, fees, charges, revenue, financial obligations or other amounts paid by means of a credit card pursuant to such agreement. Any such agreement may provide for the payment by such community college to such financing agency or card issuer of fees for the services provided by such financing agency or card issuer pursuant to such agreement, which fees may consist of a discount deducted from or payable in respect of the amount of each such tuition, expenses, fee, charge, revenue, financial obligation or other amount. If fees are paid by such a discount, they shall be post-audited by the officer or board of the community college responsible for auditing claims against the community college.

c. Any community college which has entered into an agreement with a financing agency or card issuer as authorized by this subdivision may accept credit cards as a means of payment of tuition, expenses, fees, charges, revenue, financial obligations or other amounts, as provided in such agreement and may pay such fees as are specified in such agreement to such financing agency or card issuer in consideration of the services rendered by such financing agency or card issuer thereunder. Notwithstanding any other provision of law to the contrary, it shall be the option of the community college regional board of trustees of the community college to require, as a condition of accepting payment by credit card, that such person offering payment by credit or charge card pay a service fee to the community college not exceeding costs incurred by the community college in connection with the credit or charge card payment transaction, including any fee owed by the community college to the financing agency or card issuer arising from that transaction.

d. Contracts entered into pursuant to this subdivision between a community college and financing agencies or card issuers shall be awarded in accordance with the community college's written internal policies and procedures governing procurements.

e. The underlying debt, lien, obligation, bill, account or other amount owed by the student to the community college for which payment by credit card is accepted by the community college shall not be expunged, cancelled, released, discharged or satisfied, and any receipt or other evidence of payment shall be deemed conditional, until the community college has received final and unconditional payment of the full amount due from the financing agency or card issuer for such credit card transaction.

f. The community college regional board of trustees, in enacting a resolution pursuant to this subdivision, shall designate which of its officers, charged with the duty of collecting or receiving moneys on behalf of the community college, shall be authorized to accept credit cards as a means of payment of tuition, expenses, fees, charges, revenue, financial obligations and other amounts.

g. Under circumstances where community colleges are otherwise authorized by law to contract for the collection of tuition, expenses, fees, charges, revenue, financial obligations or other amounts, such contract shall provide that the contractor accept credit cards as a mechanism for payment.

15. a. Notwithstanding any other law to the contrary, whenever an officer of a community college is authorized pursuant to law to disburse or transfer on behalf of the community college funds in the custody of the officer, that officer shall be authorized to disburse or transfer such funds by means of electronic or wire transfer. Such disbursements shall be otherwise subject to applicable laws, provided that:

(i) the community college regional board of trustees of the community college has entered into a written agreement with the bank or trust company in which such funds have been deposited, prescribing the manner in which electronic or wire transfer of such funds shall be accomplished, identifying by number and name those accounts from which electronic or wire transfers may be made, identifying which officer or officers are authorized to order the electronic or wire transfer of funds from those accounts, and implementing a security procedure as defined in section 4-A-201 of the uniform commercial code; and

(ii) the bank or trust company processing the transfer shall provide to the officer ordering the electronic or wire transfer of funds written confirmation of each such transaction no later than the business day following the day on which the funds are transmitted.

b. It shall be the duty of the community college regional board of trustees of the community college to adopt a system of internal controls for the documentation and reporting of all transfers or disbursements of funds accomplished by electronic or wire transfer.

16. a. The community college regional board of trustees of any community college, may determine, by resolution, that it is in the public interest and authorize such community college to provide for the acceptance of tuition, expenses, fees, charges, revenue, financial obligations or other amounts via a community college internet website.

However, submission via the internet may not be required as the sole method for the collection of tuition, expenses, fees, charges and other amounts. Such payments shall be accepted via the internet in a manner and condition defined by such community college. Any method used to receive internet payments shall comply with article one of the state technology law and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum must:

(i) authenticate the identity of the sender; and

(ii) ensure the security of the information transmitted.

b. Payments received via the internet shall be considered received by the appropriate officer and paid by the payor at the time the internet transaction is completed and sent by the payor.

c. The underlying debt, lien, obligation, bill, account or other amount owed by the student to the community college for which payment by internet is accepted by the community college shall not be expunged, cancelled, released, discharged or satisfied, and any receipt or other evidence of payment shall be deemed conditional, until the community college has received final and unconditional payment of the full amount due.

d. The community college regional board of trustees, in enacting a resolution pursuant to this subdivision, shall designate which of its officers, charged with the duty of collecting or receiving moneys on behalf of the community college, shall be authorized to accept such payments via the internet.

17. Notwithstanding any provision of this chapter to the contrary, a community college regional board of trustees of a community college region shall be the local sponsor of such community college for the purposes of entering into agreements with the dormitory authority of the state of New York on behalf of the community college pursuant to subdivisions nine, ten, eleven, twelve, thirteen, fourteen and sixteen of section sixteen hundred eighty of the public authorities law and shall have full authority to perform, on behalf of such community college, all obligations of the college under its agreements with the

dormitory authority.