



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

November 24, 1975

ATTORNEY GENERAL OPINION NO. 75-439

George Maier, Jr.
WEEKS, THOMAS, LYSAUGHT, BINGHAM & MUSTAIN
CHARTERED
Attorney for Board of Trustees
Kansas City, Kansas Community Junior College
Home State Bank Building
Minnesota at Fifth Street
Kansas City, Kansas 66101

Re: Schools--Community Junior Colleges--Treasurer

Synopsis: The board of trustees of a community junior college may appoint a person as treasurer other than from among its own membership.

* * *

Dear Mr. Maier:

You have requested an opinion from this office concerning the qualifications of a Treasurer for a Junior College District. Specifically, you pose the question whether the treasurer of a board of trustees of a community junior college district may be appointed from among its own members, or whether the provisions of K.S.A. 72-8202(d) likewise apply to boards of trustees of a community junior college districts so that the treasurer may not be a member of the board, or whether the treasurer may be selected from either within or without the board.

In this regard, K.S.A. 71-201(b) (1) specifically provides:

"(b) For the effectuation of the purposes of this act, the board of trustees in addition to

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other powers expressly granted to it by this act and subject to the rules and regulations of the state board of education is hereby granted the following powers:

(1) To select its own chairman and such other officers as it may deem desirable, from among its own membership. The secretary may be chief administrative officer of the college."

The apparent conflict in this instance arises by virtue of K.S.A. 72-8202 which in pertinent part states:

"At the first meeting in July in each year, the board shall elect a president and vice-president from its members, each of whom shall serve for one (1) year or until his successor is elected and qualified. The board shall appoint a clerk and treasurer, and other personnel as needed. Such clerk, treasurer, and other personnel shall not be board members and shall serve at the pleasure of the board."

K.S.A. 72-8202 was first enacted as part of the School Unification Act found in chapter 393 of the 1963 Session Laws. As part of that act, K.S.A. 72-6735 defines the word "board" for purposes of that Act to mean:

"one of the unified school district boards of education provided for by this act and such board being the governing body of a unified district."

Thus, in my judgment K.S.A. 72-8202 is inapplicable to the designation of a treasurer for a community junior college district.

The question is, then, whether the treasurer of the district must be a member of the board of trustees, pursuant to K.S.A. 71-201(b)(1), or whether the treasurer may be selected from persons other than members of the board. K.S.A. 71-201(b)(6) empowers the board of trustees to appoint or employ upon recommendation of the chief administrative officer,

"such other officers of the college, agents and employees as may be required to carry out the provisions of this act and to fix and

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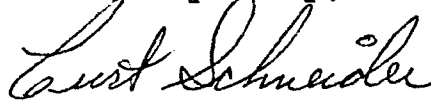
and determine within state adopted standards their qualifications, duties, compensation, terms of office or employment and all other items and conditions of employment."

In addition, under (b)(13), the board may exercise all other powers not inconsistent with the act which may be "reasonably necessary or incidental to the establishment, maintenance and operation" of the college.

The duties of a treasurer of the board of trustees are not specified by statute. Commonly, however, those duties include the receipt, custody and disbursement of funds of the district, and the maintenance of appropriate accounts thereof. In many instances, it may be desirable that the treasurer be a person other than a member of the board. K.S.A. 71-201(b)(1) permits the board to select its own chairman and "such other officers as it may deem desirable" from its own membership. However, in those instances when the board deems it desirable that a person other than a board member be treasurer of the district, in my judgment, such an appointment is within the authority of the board.

Accordingly, it is my opinion that the treasurer of the board of trustees of a community junior college may be a person appointed by the board other than from among its own members.

Yours, very truly,



CURT T. SCHNEIDER
Attorney General

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