

RESOLUTION: DIRECT APPLICATION TO THE LEGISLATURE
FOR APPROPRIATIONS

(Board of Trustees Meeting, May 18, 1980)

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PRIATIONS

Judge Hodge distributed copies of a revised version of Resolution No. 2 - 1980 prepared to avoid conflict with existing laws. A copy of the revised resolution is appended.

In his preliminary remarks, Judge Hodge explained that the resolution stemmed from his concern as a member of the Board over the recurrent financial difficulties of the College caused by the Budget Director withholding funds from it. He expressed his appreciation at being asked by Dr. Richards to assist him in taking action to find a solution to the problem through direct application to the legislature for appropriations. He made it quite clear that he was in no way denigrating the important appropriation and allotment functions of the Budget Office. He did consider it very offensive, however, that the Budget Director should determine the educational priorities of the College for the Board of Trustees.

Referring to his past and present services with the government of the Virgin Islands, Judge Hodge explained that submission of a budget directly to the legislature made for "a much more achievable objective." In framing the resolution, he said, he had consulted with the Acting President and the Director of Business and Financial Affairs of the College and with the Governor, the Attorney General, the President of the Legislature, and members of the Finance Committee of the Legislature, all of whom were in favor of the proposed course of action. He added that he had received

active assistance from the Attorney General's Office in passing the resolution.

Judge Hodge explained that the purpose of the resolution was to give the president of the College the backing of the Board of Trustees so that he could seek by appropriate action the accomplishment of the objectives stated in the revised version of Resolution 2 - 1980. He emphasized that both appropriation and allotment were involved so that, if approved, the proposal could lead to the College making appeals directly to the Commissioner of Finance for appropriations approved by the legislature. In both cases, he added, the purpose was to by-pass the shredding tendencies of the Budget Office.

Judge Hodge informed members of the Board that they had nothing to lose by approving the resolution. In response to a question from Dr. Evans concerning the possibility of a veto of the amending legislation, Judge Hodge explained that he had spoken to the governor and was confident that there would be no veto. He cautioned, however, that even if authority was given to the College to present its budget directly to the legislature, the legislature would still have the right to question the College and to approve or disapprove the budget submitted and that the College would still have to justify its requests.

Replying to a question put by Judge Joseph, Judge Hodge explained that the course of action proposed was not necessarily "clarifying legislation" alone, but also "such other action neces-

sary", as indicated in the heading of the resolution. He added, however, that the intent was to secure a permanent amendment of the relevant section of Title 17 of the Virgin Islands Code so that the College would not have to seek permission every year to present its budget directly to the legislature. Judge Joseph observed that the legislature worked best when it had a Bill from a member of the legislature or from the governor, and asked whether the College would submit a Bill, to which Judge Hodge replied that a Bill would be introduced by the Finance Committee of the legislature, not by the College.

A motion to adopt Resolution No. 2 - 1980 was made, seconded, and approved, with Attorney Bornn abstaining.

BOARD OF TRUSTEES
OF THE
COLLEGE OF THE VIRGIN ISLANDS

RESOLUTION No. 2 - 1980

To Seek Clarifying Legislation or to Take Such Other Action Necessary to, confirm the authority of the College of the Virgin Islands to Make Direct Application to the Legislature of the Virgin Islands for Annual and other Appropriations for the Funding of the College of the Virgin Islands, and to make direct application to the Commissioner of Finance for the allotment of such appropriations.

WHEREAS Acts Nos. 851 and 852, both dated March 16, 1962, created the College of the Virgin Islands Fund and the College of the Virgin Islands as a separate and independent entity, the cardinal objectives of which have been the stimulation and utilization of the intellectual resources of the people of the Virgin Islands and the development of a center of higher learning whereby, and wherefrom, the benefits of culture and education may be extended throughout the Virgin Islands, the Caribbean and other areas; and

WHEREAS the members of the Board of Trustees of the College are nominated by the Governor and confirmed by the Legislature of the Virgin Islands for specific terms of service; and

WHEREAS pursuant to Section 453 and 492 of Title 17 of the Virgin Islands Code the Board of Trustees of the College is constituted a body politic and corporate; and

WHEREAS the College of the Virgin Islands Fund is authorized by Chapter 35 of Title 17 of the Virgin Islands Code to accept gifts, grants, loans, appropriations, and funds from all sources for deposit and disbursements as the Board of Trustees of the College of the Virgin Islands may determine; and

WHEREAS Section 494 of Title 17 of the Virgin Islands Code provides a specific and permanent authorization for the annual appropriation of funds for the College of the Virgin Islands to be deposited into the College of the Virgin Islands Fund; and

WHEREAS the aforesaid fiscal responsibilities have been vested in the Board of Trustees and the authority of the Board to carry out these responsibilities is not subject to the approval of the Commissioner of Finance or the Director of the Budget; and

WHEREAS in recognizing the independent responsibilities and function of the Board of Trustees, the Legislature passes each year a Budget Act for the College of the Virgin Islands that is separate and distinct from the Executive Budget Act; and

WHEREAS throughout the existence of the College of the Virgin Islands the Board of Trustees has demonstrated a high degree of fiscal responsibilities with respect to the receipt, disbursement and reporting of all of its funds, appropriations, endowments and bonds; and

WHEREAS it has been the policy of all branches of the Government of the Virgin Islands to avoid the politicization of the College and to preserve its independence as an institution of higher learning; and

WHEREAS Chapter 2 of Title 2 and Section 3104 of Title 33 of the Virgin Islands Code appear to be in conflict with the legal citations enumerated above,

NOW, THEREFORE, BE IT RESOLVED:


1. That the Board of Trustees of the College of the Virgin Islands reaffirms the College's status as a body politic and corporate, and confirms its authority as the Governing Board to establish the College's objectives and programs and to determine its funding needs and priorities;


2. That, based on the legal authorities cited above, the Board of Trustees confirms its authority to seek, receive and control funding from the Government of the Virgin Islands subject only to the approval of the Legislature and the Governor;

3. That the President of the College is hereby authorized to take all steps necessary to secure clarification of the relevant sections of the Virgin Islands Code that appear to be in conflict, in order to confirm the College's authority to submit appropriation requests directly to the Legislature of the Virgin Islands for operating, capital and other funding needs, and to apply directly to the Commissioner of Finance for allotment of such appropriations to the College;

4. That copies of this Resolution shall be forwarded to the appropriate officials, as determined by the President, to insure the maximum cooperation and coordination among the various funding agencies of the Government of the Virgin Islands with respect to the appropriation and allotment of funds for the College of the Virgin Islands.

ADOPTED BY THE BOARD OF TRUSTEES OF THE COLLEGE OF THE VIRGIN ISLANDS THIS 18th DAY OF May, 1980.


RALPH M. PAIEWONSKY
CHAIRMAN


ARTHUR A. RICHARDS
SECRETARY