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COUNTIES: Appointment of members of board of trustees of a county public hospital.

HOSPITALS: Appointment of members of board of trustees of a county public hospital.

A board of trustees of a county hospital must submit a list of names of not more than two qualified candidates for each appointment or re-appointment to the county hospital board of trustees, but the county board of commissioners is not required to make appointments from the list submitted.

The chief executive of a county hospital must be appointed to the board of trustees of the hospital.

Opinion No. 5079

November 18, 1976.

Honorable Anthony A. Derezinski
State Senator
The Capitol
Lansing, Michigan 48902

You have requested my opinion on the method of appointment for new members to a county hospital board of trustees pursuant to 1913 PA 350, § 3; MCLA 331.153; MSA 14.1133.

Specifically, you ask:

"Must the County Board of Commissioners appoint new members to the Hospital Board of Trustees solely from the list of names submitted to the Board of Commissioners by the Board of Trustees, or may the Board of Commissioners make their appointments from a group of people other than those recommended by the Hospital Board of Trustees, using the names submitted by the Board of Trustees only as recommendations."

Subsequent to your first inquiry you asked an additional question:

"Does the county board of commissioners have to appoint the hospital administrator to the hospital board if the hospital board of trustees submits the administrator's name for appointment?"

1913 PA 350, § 3, *supra*, states:

"If a majority of all the votes cast upon the question are in favor of establishing a county public hospital, the board of commissioners shall proceed at once to appoint 9 trustees chosen from the citizens at large of the county with reference to their fitness to such office, 1 of whom shall be the chief executive officer of the hospital and not more than 3 of whom may be licensed physicians, who shall constitute a board of trustees for the public hospital. The trustees shall hold their offices until the end of the next following calendar year. In September, *prior to the expiration of their terms of office, the board of trustees shall submit to the board of commissioners the names of not more than 2 qualified candidates for each appointment or reappointment.* The board of commissioners, at its October meeting, shall appoint for terms com-

mencing next January 1, 3 trustees for 2 years, 3 trustees for 4 years and 3 trustees for 6 years. As terms expire thereafter appointments shall be made for 6 years in the same manner. Appointments to unexpired terms shall be made in the same manner. All appointments and reappointments shall meet general eligibility qualifications hereinafore stated." [Emphasis added]

The legislature set forth in detail a number of steps in the process of appointment of county hospital trustees. The steps set forth in the statute are explicit and do not require that the board of commissioners appoint persons from the list of candidates submitted by the board of trustees. Had the legislature intended the board of commissioners to appoint persons to the board of trustees from the names submitted to it, explicit language to that effect would have been utilized.

In answer to your second question the chief executive of the county hospital is the hospital administrator and such person must be appointed to the county hospital board of trustees inasmuch as 1913 PA 350, § 3 states that the board must include the chief executive of the hospital among its members.

In summary, the board of trustees of a county hospital must submit a list of names of not more than two qualified candidates for each appointment or reappointment to the county hospital board of trustees but the county board of commissioners, in making an appointment or reappointment to the county hospital board of trustees, is not required to make appointments from the list of candidates submitted by the board of trustees. The chief executive of a county hospital must be appointed to the board of trustees of the hospital.

FRANK J. KELLEY,
Attorney General.