



TEXAS SOUTHMOST COLLEGE DISTRICT

THE UNIVERSITY OF TEXAS AT BROWNSVILLE and TEXAS SOUTHMOST COLLEGE

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Texas Southmost College District

Minutes of the Regular Meeting of the Board of Trustees

November 18, 2010

The Board of Trustees of the Texas Southmost College District convened in open session on November 18, 2010, at 5:30 p.m., in the Board Room of Gorgas Hall at The University of Texas at Brownsville and Texas Southmost College. Board members present were Francisco G. Rendon, Chair; Dr. Roberto Robles, Vice Chair; Adela G. Garza, Secretary; Trey Mendez; Dr. Robert A. Lozano; David Oliveira and René Torres. Also present was Dr. Juliet V. García, President of The University of Texas at Brownsville and Texas Southmost College.

Call to Order

The meeting was called to order by Chairman Rendon at 5:40 p.m.

Chairman Rendon gave an opening statement to the public regarding the notice of termination of the partnership from University of Texas System (UT System). He thanked UT System for all of their efforts and commitment in the last 19 years in advancing higher education in South Texas. He said that it's been beneficial to both parties. He read the statement from Chairman McHughes. He read the mission statement of the TSC District. He opened the floor for comment for other Board members. Mr. Oliveira objected to the Opening Statements and Discussion on items that should be limited only to those agenda items. Dr. Robles also disagreed with the Chairman's comments. Dr. Robles expressed his concern that the Partnership negotiations are not over. There is still a window of opportunity, if they so wish to present the proposal they agreed to at the October 21st meeting. Dr. Robles stated that he believes the issue is still alive.

1. Announcements

Chairman Rendon called on Dr. García, to make an announcement. Dr. García announced that the Distinguished Alumnus Awards Ceremony is Saturday, November 20, 2010 at 2:00 p.m. in the Gran Salon. She invited all Trustees to join the event. Dr. García also announced a very important soccer game on Saturday, as well, at the Brownsville Sports Park. This game propels our team into national spot light in men's soccer. She invited the board to support the team.

2. Speakers to Agenda Items and Public Discussion

Chairman Rendon called on several speakers that addressed their concerns regarding the partnership between UTB/TSC. The following addressed the Board: Ms. Leticia Garzoria, Ms. Reba Cardenas McNair, and Dr. Sylvia Atkinson.

3. Approval of Minutes of Previous Meetings

Consideration and Possible Action on Approval of Minutes of the Regular Meeting on October 21, 2010

Dr. Robles stated that clarification should be made to the motion made on page three of the October 21st minutes. After discussion, the board concurred that the last sentence of the motion should now read as follows: "The motion **made by Dr. Lozano** was seconded and carried unanimously." He stated that this board has never voted on the new agreement, as stated in the newspapers.

A motion was made by Mr. Oliveira to approve the Minutes of the Regular Meeting on October 21, 2010 with the amendment as stated above. The motion was seconded by Mr. Torres and carried unanimously.

Consideration and Possible Action on Approval of Minutes of the Special Meeting on October 29, 2010

A motion was made by Mr. Oliveira to approve the Minutes of the Special Meeting October 29, 2010 as presented. The motion was seconded by Mr. Torres and carried unanimously.

4. Executive Session

as provided by Government Code,
Chapter 551.071, 551.072 and 551.074.

The Board convened in Executive Session at 6:08 p.m.

The Board reconvened in Regular Session at 7:16 p.m.

5. Consideration and Possible Action on Matters Discussed in Executive Session

Discussion regarding lease of real property known as Fort Brown Memorial Golf Course

A motion was made by Mr. Oliveira to authorize council, Mr. Rentfro, to continue negotiations with Mr. Lucio on Golf Course Lease. The motion was seconded by Mr. Torres and carried unanimously.

Approval of Plat of "Early College High School" Subdivision and Execution of Special Warranty Deed Conveying Lot 1, Block 1 of the Early College High School Subdivision to Brownsville Independent School District in Connection with the Early College High School

A motion was made by Dr. Robles to approve the resolution authorizing the designation of the plat and execution of a special warranty deed conveying Lot 1, Block 1 of the Early college High School Subdivision to Brownsville Independent School district in connection with the Early College High School.

Mr. Mendez made an amendment to the motion to ask TSC council to hold the Deed in Trust until BISD approves the agreement. Mr. Rentfro suggested that the deed be signed, and agreed to hold the deed in trust until the BISD meets and approves the agreement. Mr. Rendon clarified that the amendment was an instruction to the actual motion. Mr. Rendon read the amended motion as follows:

A motion was made by Dr. Robles to approve the resolution authorizing the designation of the plat and execution of a special warranty deed conveying Lot 1, Block 1 of the Early college High School Subdivision to Brownsville Independent School district in connection with the Early College High School giving the specific instruction for legal council to hold the deed in trust until BISD signs the agreement. The motion was seconded by Ms. Garza and carried unanimously. *Exhibit "A"*

Approval of Parking Facility License Agreement in Connection with Early College High School

A motion was made by Mr. Torres to approve the Parking Facility License Agreement in connection with the Early College High School project. The motion was seconded by Mr. Mendez and carried unanimously. *Exhibit "B"*

**Discussion with TSC District Counsel and Possible
Action Regarding The University of Texas System and Texas
Southmost College Educational Partnership Agreement**

A motion was made by Ms. Garza that TSC Trustees hire Attorney Frank Perez to advise TSC regarding the Partnership Operating Agreement that TSC contemplates proposing to University of Texas and hire Frank Perez to draft that agreement. The motion was seconded by Mr. Torres.

Mr. Oliveira expressed his appreciation to Mr. Daniel Rentfro, TSC Attorney, stating that no lawyer knows more about TSC than Mr. Rentfro. Mr. Oliveira expressed his concerns about changing attorneys at this time, but believes that others on this board feel differently. If there is a majority that wants to change, there should be some discussion and Trustees should look at other possible attorneys for something this important.

Mr. Mendez added his belief that more than one attorney is needed to negotiate with UT System. He questioned Mr. Perez fees and the agreement that would be entered into with him.

Dr. Robles echoed Trustee Oliveira's sentiments regarding Mr. Rentfro. Mr. Rentfro has great knowledge regarding the contracts that were established 20 years ago. Dr. Robles stated that these issues are serious and complex. He agreed with Mr. Mendez that perhaps Mr. Rentfro should stay as part of the team and that the board should hire someone else to assist him with the negotiations.

Ms. Garza expressed her concerns that a fresh set of eyes are needed for this agreement.

Dr. Lozano asked to continue the discussion. He suggested that a list of attorneys be developed to choose from to develop a team.

Mr. Oliveira expressed his concerns that there will be a considerable expense on getting up to speed on these issues. Mr. Oliveira stated that eliminating Mr. Rentfro from any discussions would be a serious mistake. If this board really hopes to salvage and forge a partnership agreement, it would make a lot of sense to leave Mr. Rentfro as part of that team.

Mr. Mendez asked for clarification on the motion made by Ms. Garza regarding Mr. Perez being the "lead counsel", or "counsel". Ms. Garza agreed that her motion was to hire Mr. Perez as "counsel".

A motion was made by Ms. Garza that the TSC Trustees hire Attorney Frank Perez to advise TSC regarding the Partnership Operating Agreement that TSC contemplates proposing to University of Texas System and hire Frank Perez to draft the agreement. The motion was seconded by Mr. Torres and carried. Mr. Rendon, Mrs. Garza, Mr.

Torres and Mr. Mendez voted in favor of the motion. Dr. Robles, Mr. Oliveira and Dr. Lozano voted against the motion.

A motion was made by Dr. Lozano for Mr. Oliveira and Mr. Mendez to develop a list of six attorneys to propose to add to the transition team to assist with the negotiations for the Board. The motion was seconded by Mr. Oliveira and carried. Mr. Rendon, Dr. Robles, Mrs. Garza, Mr. Oliveira, Mr. Mendez and Dr. Lozano voted in favor of the motion. Mr. Torres voted against.

Discussion and Possible Action Regarding Removal of Current Chairman from Chairmanship

Mr. Rendon asked Mr. Rentfro for a clarification on this agenda item as per the TSC Policy manual. Mr. Rentfro stated that after reviewing the policy manual, officers are elected for a term or until there is a vacancy, however, there are inconsistencies with the current policy manual. Mr. Oliveira asked if this item can be discussed even if there is not the ability to remove the Chairman. Mr. Rentfro stated that the agenda was properly posted.

Mr. Mendez questioned if there is a removal process in the policy manual. Mr. Rentfro confirmed that there is not a process for removal in this policy manual.

Dr. Robles questioned the ability to disqualify the chairman. Mr. Rentfro stated that disqualification is not on the agenda this evening.

Dr. Robles expressed his concerns for the Chairman's behavior.

Dr. Lozano explained what lead to this item appearing on the agenda. He read the original motion from the October 21st meeting. Dr. Lozano stated that the Board instructed a cover letter be drafted by Chairman Rendon and sent to UT System enclosing the core concepts discussed at the October 21st meeting. Dr. Lozano stated that after numerous attempts to obtain a copy of the core concepts letter, he did not receive any indication from Mr. Rendon that the letter had been written or sent as instructed by the Board at the October 29th meeting. Dr. Lozano expressed his dismay and loss of confidence for Mr. Rendon as Chairman because the letter was not sent to the UT System as instructed by the Board of Trustees.

Mr. Oliveira read a letter received from Senator Lucio and Representative Oliveira in support of continuing the partnership. Mr. Oliveira expressed his concern that we now have an opportunity to continue those negotiations with UT System. Mr. Oliveira urged that the letter of core values that was approved at the October 21st board meeting by a unanimous vote, be sent to UT System as instructed.

Mr. Torres expressed his view that now is the time to negotiate with UT System. He expressed that he wants equity in the negotiations. He asked for the community to allow the trustees to explore the possibilities for both institutions.

Dr. Robles expressed his concern that the directives of the board be carried out as instructed. He requested the letter be sent out by tomorrow. He said we cannot function as a board because we are losing credibility. He said a board cannot function with a Chairman that doesn't follow the rules.

Mr. Mendez expressed his disappointment in the Chairman not having sent the letter. He requested that in the future, if the Board asks the Chairman to carry out a duty, please held the advice and directives of the Board.

A motion was made by Dr. Robles to remove Mr. Rendon as Chairman. The motion was seconded by Mr. Oliveira for the reasons of the board having unanimously voted on the core concept proposals, and instructing Mr. Rendon to forward to the UT System and the Chancellor, and he failed to carry out the directive of the Board of Trustees. Motion failed. Dr. Robles, Mr. Oliveira and Dr. Lozano voted in favor of the motion. Mr. Rendon, Mrs. Garza, Mr. Mendez and Mr. Torres voted against the motion.

6. Discussion and Possible Action:

Discussion and Possible Action for Amending the Fiscal Year 2011 Budget in the Areas of General Institution – Transfer \$100,000 from Institutional Official Functions and for a New Category Names Transition Team

Mr. Oliveira expressed his concern for this agenda item in that the item has not been well thought out and is not rationalized. The implications of pulling funds from Institutional Official Functions should be studied. Mr. Rendon explained that this Board needs to form a Transition Team to negotiate with UT System. Funding is necessary for the members that will be placed on the Transition Team. Dr. Robles agreed with Mr. Oliveira regarding the source of this budget amendment.

Mr. Mendez expressed that he agreed that this board should form a Transition Team, however, he feels that the Trustees should not determine where to get the money from. He suggested that someone from administration find appropriate funding for the Transition Team budget.

Dr. García confirmed that the Board does have authority to change the budget, however, these items traditionally go through the Partnership Committees. This

item did not have that opportunity. She suggested that the Board ask Administration to give a recommendation on funding the Transition Team.

A motion was made by Mr. Oliveira to delegate for the two budget items to be reviewed by the Partnership Affairs Committee with advice from staff to review the budget item. The motion was seconded by Ms. Garza and carried unanimously.

**Discussion and Possible Action for Amending
the Fiscal Year 2011 Budget – Transfer \$90,000 from
Marketing and Communication to Transition Team**

This item was included in the motion made above.

**Discussion and Possible Action
for the Formation of the Transition Team**

Mr. Rendon suggested that this item also be delegated to the Partnership Affairs Committee. Mr. Rendon clarified that the three TSC Board members who are members of the Partnership Advisory Committee are the Chairman, Vice Chairman Dr. Robles, and Trustee Mr. Mendez.

A motion was made by Dr. Lozano that the TSC Board authorize the Trustees of the Partnership Advisory Committee, who are Chairman Francisco Rendon, Vice Chairman Dr. Roberto Robles and Trustee Trey Mendez to develop the proposed transition team, identify the needs of the team and the personnel that will best suit those needs and present that to the Board. The motion was seconded by Ms. Garza and carried unanimously.

**Discussion and Possible Action for the
Designation of the Transition Team Legal Counsel**

This item was discussed within previous agenda item.

**Discussion and Possible Action to form a
Community Task Force to Study Pros and Cons of
Community College Separation from UT System**

A motion was made by Ms. Garza to table this item in lieu of the letter received from the Senator and the discussions to keep working with the Chancellor and the Regents to reach an agreement. The motion was seconded by Dr. Lozano and carried unanimously.

Discussion and Possible Action on the Accreditation Status of Texas Southmost College

A motion was made by Ms. Garza to table this item. The motion was seconded by Dr. Lozano and carried unanimously.

7. Physical Facilities Committee

Report

Chairman Rendon called on Mr. Oliveira to give the report. He reported that the Physical Facilities Committee met on Monday, November 15, 2010, and discussed the following items:

Capital Improvement priorities for the Athletic Department were discussed. Dr. Hilda Silva, Vice President for Student Affairs and Mr. Todd Lowery, Athletic Director, presented a list of proposed priorities for capital improvement expenditures for the Athletic Department. The priorities presented were:

Priority #1 Permanent bleachers at Garza Gym and renovation of room 204 to a study room for Athletes.

Priority #2 Replacement of baseball field outfield fence, repaint the dugouts, and change the grandstand fence to netting.

Priority #3 Build a storage facility and two additional sets of bleachers at the new Soccer Field.

Priority #4 Expand the bathroom facilities, build storage units for the athletic equipment, and ensure REK access to all teams.

Priority #5 Build locker rooms at the new Soccer Field.

Priority #6 Build locker rooms at the new Baseball Field.

Priority #7 Build new dorms at Student Housing.

Mr. Torres mentioned that the only concern he has with the list was Priority # 6 that was supposed to be on top of the priority list. He agreed with the rest of the priority list. No action was taken at this meeting and Mr. Torres requested that it be revisited.

Mr. Todd Lowery, Director of Athletics, addressed the board. The board congratulated him for becoming the volleyball coach of the year. Mr. Lowery addressed the board regarding the priority list. He stated that the athletics department created the list based on the needs. Funds were not designated. Dr.

García asked for Mr. Lowery to try to put dollar amounts next to the priorities and take back to the Physical Facilities Committee.

8. Proposed Meeting Dates

Mr. Rendon suggested that the Board meet in December to discuss the recommendations from the Partnership Advisory Committee for the formation of the Transition Team. Dr. Cigarroa has suggested that the Transition Team meet the first two weeks in January, therefore a meeting is needed in December.

Dr. Robles asked for clarification that the Transition Team is not getting together to dissolve the partnership, but to save the partnership. Dr. Robles made it very clear that he did not want to be a part of the Team that is dissolving the partnership. Mr. Rendon clarified that if there is a possibility to maintain the partnership and it is beneficial to the junior college that the Transition Team would seek that option.

The Board agreed to meet on Wednesday, December 8, 2010 at 5:30 p.m.

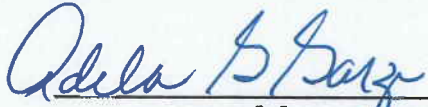
December – No meeting
Thursday, January 20, 2011
Thursday, February 17, 2011
Thursday, March 24, 2011
Thursday, April 28, 2011
Thursday, May 19, 2011
Thursday, June 23, 2011

Adjournment

The meeting was adjourned by Chairman Rendon at 8:30 p.m.



Mr. Francisco G. Rendon
Chairman, Board of Trustees



Ms. Adela G. Garza
Secretary, Board of Trustees

NOTE: The tape of the Regular Board of Trustees meeting held on November 18, 2010, is on file at the District Office of the Texas Southmost College District. The master tape is on file at UTB/TSC Media Services. These minutes were taken and transcribed by Max E. Roca, Administrative Secretary. Video taping of the Board of Trustees' meetings began on April 11, 1996. They are aired on Channel KBSD in cooperation with the Brownsville Independent School District.