



TEXAS SOUTHMOST COLLEGE DISTRICT

THE UNIVERSITY OF TEXAS AT BROWNSVILLE and TEXAS SOUTHMOST COLLEGE

80 Fort Brown • Brownsville, Texas 78520 • (956) 882-3879 • Fax: (956) 882-8811 • www.utb.edu

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**Texas Southmost College District**

**Minutes of the Regular Meeting of the Board of Trustees**

**June 16, 2011**

The Board of Trustees of the Texas Southmost College District convened in open session on June 16, 2011, at 5:30 p.m., in the Gorgas Board Room 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; René Torres and David Oliveira. Dr. Juliet V. García, President of The University of Texas at Brownsville and Texas Southmost College was absent.

**Call to Order**

The meeting was called to order by Dr. Robles, Vice Chair at 5:35 p.m.

**1. Announcements**

Dr. Robles introduce Mr. Chet Lewis who has joined Texas Southmost College (TSC) as the new Interim Vice President for Administration and Finance. Mr. Lewis comes from the University of Texas at Brownsville where he served as the Associate Vice President for Business Affairs and Financial Services. Mr. Lewis was handling the Budgeting, Account and Finance, and purchasing departments. His experience and institutional knowledge will be beneficial to the partnership separation tasks that are needed to accomplish in the coming years.

Mr. Lewis brings to TSC other experience outside higher education as a manager in the utility industry, chief financial officer for a Texas municipality, and public account experience with Deloitte and Touche. Mr. Lewis obtained his bachelor's in accountancy from Arizona State University and received a master's in accountancy from the University of Texas – Pan American.

Dr. Robles called on Mr. Lewis to say few words. Mr. Lewis said he was very excited for the opportunity given to him and thanked the Board.

## **2. Transition Team Status Report**

Dr. Robles called on Dr. Robert Furgason and Dr. John Anthony, TSC Consultants for the Transition Team. Dr. Furgason reported that they are very delighted to have Chet Lewis working on the financial elements of the transition. Dr. Furgason reported that TSC has obtained the domain name of tsc.edu and once established it will provide the communication on the development of Texas Southmost College. He thanked Michael Putegnat and others for helping develop the domain name.

Dr. Furgason reported that the transition team has been working on strategies for the personnel transition, and developing the infrastructure of TSC and joint services. He will provide reports at a later date on the status of the strategies. There are two prospectives one is programmatic and support services and the other is facilities. He said they are taking every facility that exist between UTB and TSC to identify who is occupying it, what they are doing, and how many square feet is being used. That will form the basis on which facility needs to be separated and which facilities will have joint use of contracts. Dr. Furgason mentioned they will have a joint meeting with both transition teams on June 23, 2011 in Austin, Texas.

Dr. Robles stated that he was glad that there was a website for tsc.edu. Dr. Furgason corrected Dr. Robles and said it is in the process to being developed and will be available in the near future.

Dr. Furgason called on Dr. Anthony to give an update on the Presidential Search. Dr. Anthony stressed the importance of approaching things in a positive manner and conveying to the public, student body, faculty and staff that this transition is moving forward positively on both sides, and that both institutions will thrive as a result. Dr. Anthony reported that the Board will be appointing the screening committee to assist in the search for the presidential candidates. The group of finalists will be presented to the Board in July. Dr. Anthony reported that a TSC Presidential application had to be designed and was done in a professional manner with the assistance of the District Office staff.

Dr. Anthony reported that an additional advertisement was placed in the Chronicle of Higher Ed. He also stated that there are currently twenty-nine confirmed resumes, curriculum vitae, and applications on file. In addition, he has had conversations with seven additional people that will submit their credentials. He is very excited with the process and responses that have been received. He mentioned that the screening committee will be community representatives appointed by the Board and members of faculty and staff. They will be tasked with screening candidates and presenting a semifinalist group to the Board for

interviews. Dr. Anthony will conduct intensive reference checks, even checking references from individuals not listed on the candidates resume.

Dr. Anthony stated that open forums for each of the finalists will be arranged. The candidates will be invited to campus to make presentations that will be open to the public, students, faculty, members of the community, and the press. Those in attendance will be given the opportunity to fill out a questionnaire that will be presented to the Board before a final decision is made. The process is extremely open, however prior to the final stage all the names must remain confidential. According to the open meetings act, it is a felony to release the names before the finalist is selected by the board.

Mr. Torres stated that he was very satisfied with the process of the transparent and openness of the work. He also stated his satisfaction with the website being developed and its ability to communicate with the community, faculty, staff, and students.

### **3. Opening Statement by Trustees**

Chairman Rendon thanked Chet Lewis for coming on board. He also thanked Dr. Anthony and Dr. Furgason for their hard work in the positive direction moving forward.

Ms. Garza stated that it is important to continue to believe that this process is going to work and that we need the two institutions working together because both need each other. She also expressed the need to continue a positive attitude moving forward because of the importance to the students and the community. She stated that she has received many calls from community members that are excited and mentioning programs that may be available for TSC to offer. She also thanked Dr. Anthony and Dr. Furgason on helping TSC move forward. She welcomed Mr. Lewis and was glad that he joined TSC. She mentioned that the Board agreed and voted unanimously on hiring Mr. Chet Lewis.

Dr. Robles made a correction that it was not unanimously voted and stated that he was not able to attend the meeting at 2:00 p.m. because he was working. He also said he was glad that Mr. Lewis is on board to support the finances of TSC.

### **4. Speakers to Agenda Items and Public Discussion**

Chairman Rendon called on Dennis Sanchez, on behalf of Dyna-Go Properties, Inc. Mr. Sanchez expressed his concerns regarding Cueto Building.

**5. Approval of Minutes of Previous Meetings**

**Consideration and Possible Action on Approval  
of Minutes of the Regular Meeting on May 25, 2011**

A motion was made by Ms. Garza to approve the Minutes of the Regular Meeting on May 25, 2011 as presented. The motion was seconded by Mr. Torres and carried unanimously.

**Consideration and Possible Action on Approval  
of Minutes of the Regular Meeting on June 3, 2011**

A motion was made by Mr. Mendez to approve the Minutes of the Regular Meeting on June 3, 2011 as presented. The motion was seconded by Mrs. Garza and carried. Dr. Lozano voted nay.

**6. Executive Session**

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

**The Board convened in Executive Session at 6:04 p.m.**

**The Board reconvened in Regular Session at 7:17 p.m.**

**7. Consideration and possible action on matters discussed in Executive Session**

**Litigation Regarding 0.96 Acres of Land  
Cause No. 1:08-CV-232 United States of America vs.  
0.96 Acres of Land More or Less, et al.**

Chairman Rendon called on Frank Perez, TSC Attorney to explain the litigation. Mr. Perez reported that this matter had been taken to the Board previously on May 25, 2011. Mr. Perez reported that he had conversations with United States Attorneys and determined that seven out of the eight cases that has TSC as a party have been administratively closed and have judgments entered. Any monies that have been allocated to viable claims has been distributed so those seven cases TSC should sign the disclaimers in any interest and not get involved in any protracted litigation. The US Attorney office and will have the disclaimers ready soon.

### **Approval of Non-Disclosure Agreement**

Chairman Rendon called on Mr. Perez to explain. Mr. Perez stated that UT System has asked that TSC sign a non-disclosure agreement dealing with information that will be shared between TSC and UT System during the Transition. Mr. Perez shared his concern of one passage in the proposed agreement that is confusing whereby TSC might or might not have an obligation to keep the information confidential. He contacted general counsel Barry Burgdorf of UT System and will speak to him to clarify the passage, and once it is clarified it will be ready for signature by TSC.

**A motion was made by Mrs. Garza to approve on signing the Non-Disclosure Agreement once Mr. Perez makes the clarifications that he mentioned and is satisfied with the wording as presented. The motion was seconded by Dr. Robles and carried unanimously. Exhibit "A"**

### **Approval of Property Appraiser to conduct Appraisal of the Cueto Building and the Dyna-Go Properties, Inc. dba Rivercentre Plaza Land of 9.4 acres and Authorization of Interim Vice President for Administration and Finance to Execute the Appraisal**

Dr. Lozano expressed his concerns that the Board continue to focus on the transition team and the Presidential Search. He stressed his belief that the President will be able to develop the vision of TSC as well as the Board. Dr. Lozano disagrees with moving forward with the appraisal and expressed his concern of its appropriateness to helping students or tax payers at this moment.

Mr. Torres agrees with Dr. Lozano on focusing on the transition and believes it is being done. He said that Mr. Dennis Sanchez mentioned that he is interested in buying the Cueto Building and that it is appropriate at this time to conduct an appraisal of that building for the fair market value for the property.

Dr. Robles also agreed with Dr. Lozano. He prefers for Mr. Chet Lewis to do an analysis where TSC stands financially. After that has been concluded, then TSC can start looking for appraisals that need to be done. He mentioned that the appraisals cost tax payer money and believes that it's too soon for the appraisals.

Mr. Oliveira agreed but added that TSC needs to be focused on the Fort Brown property that is adjacent to the campus that will need some investment in the next few years. Mr. Oliveira also agreed for TSC to be focused on the transition and doesn't see a point on getting an appraisal on the 9.4 acres property.

Mr. Mendez expressed his opinion that the Cueto Building is property that can be liquidated and TSC should seek an appraisal on that building.

A motion was made by Mrs. Garza to authorize the Interim Vice President for Administration and Finance to obtain appraisals from Holland and Associates for Cueto Building and Dyna-Go Properties, Inc. dba Rivercentre Plaza land of 9.4 acres with an appraiser and alternate. The motion was seconded by Mr. Torres. Mr. Mendez amended the motion to include the appraisal of the properties separately

An amended motion was made by Mrs. Garza for the approval of Holland and Associates to conduct the appraisal of the Cueto Building and authorize the Interim Vice President for Administration and Finance to execute the appraisal. The motion was seconded by Mr. Torres. The motion was carried with Mr. Rendon, Mrs. Garza, Mr. Torres and Mr. Mendez voting in favor of the motion. Dr. Robles, Mr. Oliveira, and Dr. Lozano voted nay.

A motion was made by Mr. Torres for the approval of Holland and Associates to conduct the appraisal of the Dyna-Go Properties, Inc. dba Rivercentre Plaza land of 9.4 acres and authorize the Interim Vice President for Administration and Finance to execute the appraisal. The motion was seconded by Mrs. Garza. Mr. Rendon and Mr. Torres voted in favor. Dr. Robles, Mr. Oliveira, and Dr. Lozano voted nay. Mr. Mendez abstained from voting. The motion failed. *Exhibit "B"*

### **Update on Presidential Search**

No action was taken.

### **Approval of Presidential Screening Committee Members**

Chairman Rendon stated that the Board has developed a list of eleven members of the screening committee made up of community members, faculty and staff. Members included: Mr. Jeff Roerig, Mr. Dino Chavez, Mr. Ygnacio Garza, Mr. Ed Rivera, Ms. Leslie Bingham, Dr. Rey Garcia, Mr. Luis de la Garza, Ms. Nora Montalvo, Faculty, Ms. Laura Villarreal, Faculty, Ms. Blanca Bauer, UTB Staff, and Ms. Kim Sanchez, TSC Staff. He thanked every Board member who proposed a member for the committee and the committee members wanting to serve.

A motion was made by Dr. Lozano to approve the list of the TSC Presidential Screening Committee members as presented. The motion was seconded by Mr. Oliveira and carried unanimously. *Exhibit "C"*

### **Discussion of Candidate for Appointment to Transition**

**A motion was made by Dr. Lozano to appoint Mr. Chet Lewis, Interim Vice President for Administration and Finance to the TSC Transition Team as presented. The motion was seconded by Dr. Robles and carried unanimously.**

### **Assignment of Administrative Designee to the Board of Trustees**

**A motion was made by Mr. Torres to appoint Mr. Chet Lewis, Interim Vice President for Administration and Finance as Administrative Designee to the Board of Trustees until such time that a President is hired as presented. The motion was seconded by Mrs. Garza and carried unanimously.**

## **8. Bank Depository**

### **Consideration and Possible Action on Selection of Bank Depository for Fiscal Year 2012**

Chairman Rendon called on Mr. Lewis to present the item. Mr. Lewis reported that the Board has a policy to select a Bank Depository every two years. In May of 2007 a bid was conducted by the staff and BBVA Compass Bank was selected as the bank depository. He said that staff had not gone out for bids but were happy with the experience they had with the bank. Mr. Lewis made a recommendation to continue with the relationship with BBVA Compass Bank. He also mentioned staff reviewed and didn't expect any substantial savings.

**A motion was made by Mr. Torres to renew the contract with BBVA Compass Bank as the District's bank depository beginning September 1, 2011 and ending August 31, 2012 as presented. The motion was seconded by Mrs. Garza and carried unanimously. *Exhibit "D"***

## **9. Board Policies**

**Consideration and Possible Action on First Reading Board  
Policies: V.B.2 – Deposits to and Withdrawals from Depository,  
V.B.4 – Check Writing and Safety Deposit Box, V.B.5 – Checks,  
and V.F. 5 – Purchasing and Bids: Level of Approval**

Chairman Rendon called on Mr. Lewis present the item. Mr. Lewis stated that there are a number of policies that are being updated to identify who will be the responsible party on the transactions for the District. Mr. Lewis reported that the language that being inserted is "President or the Administrative Designee of the Board" rather than "UTB/TSC President or designee".

**No action was taken. Exhibit "E"**

## **10. Physical Facilities Committee**

### **Report**

Chairman Rendon called on Mr. Oliveira to make the report. Mr. Oliveira reported that the Physical Facilities Committee met on Monday, June 14, 2011. Board members present were Mr. Rene Torres, Mrs. Adela Garza, Ex-Officio Member Mr. Kiko Rendon and himself. Others present were Mr. Chet Lewis and Mr. Michael Putegnat.

The first item discussed was the selection of a construction management consulting firm to conduct a review of the Texas Southmost College District Bond construction projects. At the April 28, 2011 Board of Trustees meeting, staff was directed to begin the RFQ process to select a Consulting Management Firm to conduct an audit review. The committee discussed the purpose of this audit and the need to change the type of audit from an accounting audit to that of a management audit. Mr. Oliveira has requested that both firms present their qualifications to the Physical Facilities Committee and invite the entire board for the presentation. Mr. Torres, Mrs. Garza and Mr. Rendon expressed their desire to move forward with this process. After a firm is selected, Mr. Lewis will negotiate a price for final approval by the Board.

**Consideration and Possible Action on Selection of a  
Construction Management Consulting Firm to conduct a review  
that will include but not limited to the Audit of: Change Orders, Plans,  
and Specifications, Consultant's Contracts, Contractor's Contracts, Bond  
Money Allocation, Project Close-Out Status, Project Allowances, and  
Project Warranties, Evaluation and Recommendations for Texas  
Southmost College District Bond Construction Projects**

**A motion was made by Mr. Oliveira to authorize staff to invite both Consulting Management firms, Prodigy Construction Management, LLC and Spire Consulting Group, LLC to give a formal presentation on qualifications to the Physical Facilities Committee meeting in July as presented. The motion was seconded by Mrs. Garza and carried unanimously. Exhibit "F"**



The next item discussed was the future remodeling of the Neale House and Officers' Quarters. Mr. Lewis explained and presented a letter indicating the obligation to renovate and restore the Neale House. Mr. Lewis indicated that this renovation is tentatively planned to be included in the 2012 Historic Renovations Budget. He also explained that the Officers' Quarters renovation is currently funded in the 2011 budget. Both items will be addressed during the budget preparation process and priorities will be placed at that time.

Mr. Mendez reported that in June 2008 when the property of the Neale House was purchased, TSC agreed to renovate that property. Mr. Mendez mentioned that Neale House is the oldest framed house in Brownsville and is the important part of the history of Brownsville.

No action was taken.

### 11. Proposed Meeting Dates

**TSC Budget Workshop /BAPC**

**Monday, July 25, 2011**

**Thursday, July 28, 2011**

**Thursday, August 25, 2011**

**Thursday, September 15, 2011**

**Thursday, October 20, 2011**

### Adjournment

The meeting was adjourned by Chairman Rendon at 7:57 p.m.



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Mr. Francisco G. Rendon  
Chairman, Board of Trustees



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Ms. Adela G. Garza  
Secretary, Board of Trustees

**NOTE:** The tape of the Regular Board of Trustees meeting held on June 16, 2011, 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. Videotaping 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.