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**TSC President**

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## **Texas Southmost College District**

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

**October 18, 2018**

The Board of Trustees of the Texas Southmost College District convened in open session on October 18, 2018, at 5:33 p.m., in the Gorgas Board Room at Texas Southmost College. Board Members present were Ms. Adela Garza, Chair, Mr. Trey Mendez; Vice Chair, Dr. Antonio Zavaleta, Mr. Art Rendon, Ms. Eva Alejandro, and Mr. J.J. De Leon, Jr. Absent was Mr. Ruben Herrera, Secretary. Also present was Dr. Jesús Roberto Rodríguez, President of Texas Southmost College.

#### **1. Call to Order**

The meeting was called to order by Chair Adela Garza at 5:33 p.m.

#### **2. Pledge of Allegiance**

Dr. Tony Zavaleta led the United States Pledge of Allegiance and the Texas Pledge of Allegiance.

#### **3. Public Comment. No presentation will exceed three minutes.**

There were no speakers.

#### **4. Consideration and possible action on the Minutes of the Regular Board Meeting of September 20, 2018**

##### **Consideration and possible action on the Minutes of the Regular Meeting of September 20, 2018**

**A motion was made by Mr. Mendez to approve the Minutes of the Regular Meeting of September 20, 2018. The motion was seconded by Dr. Zavaleta and carried unanimously.**

## 5. **President's Report**

Chair Garza called on President Rodriguez to give his report. Dr. Rodriguez reported on the following items.

- **Introduction of New VP of Information Technology**

Dr. Rodriguez introduced Mr. Luis Villarreal as the new Vice President of Information Technology. Mr. Villarreal came from Texas Southern University in Houston, where he served as the Chief Information Officer. He has over 26 years of experience in the IT field serving in the higher education and financial industries. His official first day was Monday, October 15<sup>th</sup>.

- **Introduction of New Executive Director of Facilities and Physical Plant**

Dr. Rodriguez introduced Mr. Ariel De La Fuente as the new Executive Director of Facilities and Physical Plant. Mr. De la Fuente came from IDEA Public Schools, where he most recently served as the Director of Facilities and Construction. His official first day was October 1<sup>st</sup>.

- **Texas Association for the Education of Young Children Administrator of the Year**

Ms. Marisela Nava, TSC Child Care Center Manager, was honored with the Administrator of the Year Award by the Texas Association for the Education of Young Children while attending the association's annual conference in Galveston. Dr. Rodriguez presented Ms. Nava with a certificate for her outstanding contribution and service to the College.

- **Soccer Team Recognition**

The TSC Men's Soccer Club was recognized for positively marking the return of collegiate sports and the soccer tradition to TSC. Dr. Rodriguez stated that the students and their coaches, "literally sweated orange-and-blue, and left it all out on the field". He reported that the TSC Men's Soccer Club finished the Texas Collegiate Soccer League season undefeated with a 5-0 record to win the division title. Each member of the team and their coaches were presented with a certificate of recognition.

- **Upcoming Events**

Dr. Rodriguez provided the Trustees with a list of upcoming meetings and events.

- **Video Presentation**

Dr. Rodriguez announced that the college had continued an active fall semester of college, community, and outreach events. He presented this month's video highlight, which included the following activities:

- Remembrance Day – Oliveira Student Services Center
- Breakfast with the President – ITECC

- SLA Kickoff Event – Lightner Center
- Dieciseis de Septiembre Celebration - Oliveira Student Services Center
- El Grito – TSC Performing Arts Center
- Late Nite at the Rec – Recreation Center
- Constitution Day – North/South Courtyard
- Campus Catholic Ministry – Gazebos
- Hair Cut & Spa Day – South Hall
- Education and Career Expo – ITECC
- Food Trucks – Lightner Parking Lot
- Lifting 101 with Tito Mata – Recreation Center
- Taste of the Americas – South Hall
- 21st Century Grant Partnership – BISD
- Brownsville Nite Lions Check Presentation – Gorgas Board Room
- E-Sports @ TSC – North 101
- TSC Men’s Soccer Club vs. UTSA-B – Recreation Center
- BISD Dia de los Muertos event – “Cuando Los Muertos Lloran” – TSC Performing Arts Center
- TXAEYC Administrator of the Year: Marisela Nava – Annual Conference at Galveston

Dr. Rodriguez thanked everyone for their efforts and commitment as TSC began the new fall 2018 semester.

- **Boss’s Day**

Prior to concluding his President’s Report, Dr. Rodriguez took the opportunity to wish each and every member of the Board of Trustees a very warm and Happy Belated Boss’s Day!

## **6. Recognition of TSC Architecture Program and Students**

Chair Garza called on President Rodriguez to present the item. Dr. Rodriguez announced that TSC’s Architecture Program, in collaboration with UT-Austin’s Architecture Program and the City of Brownsville, were named as the American Planning Association-Texas Chapter 2018 Texas Planning Student Project Award Winners.

Dr. Rodriguez introduced Mr. Ramiro Gonzalez, Government Affairs Liaison with the City of Brownsville, to give an overview on the award-winning project related to the Brownsville West Rail Trail Corridor.

Chair Garza asked Mr. Gonzalez for a comprehensive list or presentation on the projects that have been completed by our Architecture Program. Mr. Gonzalez responded that the information would be provided at a future meeting.

Dr. Rodriguez presented Dr. Murad Abusalim, Dean of the Division of STEM/CTE and Architecture Instructor, and the Architecture Program students that participated in the project: Karina Alcala, Ignacio Guadarrama, Karla Hernandez, Maria Hernandez, Jose Hinojosa, Mohammed Karkoutly, Priscilla Leyva, Maria J. Reyna, and Cristian Solis with a certificate of recognition for their accomplishments.

#### **7. Scholarship Donation by TSC Foundation**

Chair Garza called on Ms. Melinda Rodriguez, Vice President of Institutional Advancement and Community Relations to present the item. Ms. Rodriguez introduced Dr. Tara Rios and Dr. Gustavo Stern, Chair and Vice Chair of the TSC Foundation Board of Directors respectively, to speak on behalf of the Foundation and present the scholarship.

Dr. Rios provided an overview of the progress made by the Foundation Board over the last year. She reported that the Foundation is currently working to create a mobile application that will allow students to access information from their phones. Dr. Stern thanked the Board for the opportunity to manage the Foundation for scholarships. He reported that the Foundation Board of Directors is learning many steps they can follow to qualify more students to be scholarship recipients and to help students and the community as a whole.

Chair Garza commented that she and Mr. Mendez, Vice Chair of the Board of Trustees, also serve on the Foundation Board of Directors. She stated that Mr. Mendez and Dr. Stern have done a tremendous job on the Academic Scholarship Committee of the Foundation. She also thanked Dr. Rios and the Foundation Board for all the work that they do.

Vice Chair Mendez added that it has been nice to be able to sign the checks for scholarship purposes; however, there are students who are unaware of the opportunity or who have been unable to receive scholarships. He stated that the scholarship is typically about \$1,000 and provides much needed help for the students and their families. He encouraged everyone to share the information and encourage others to apply.

Dr. Rios and Dr. Stern presented TSC with a check in the amount of \$240,000 for scholarships benefiting TSC students.

#### **8. Presentation by Cameron County and Acknowledgement of the Feasibility Study and Design of the Gateway Bridge Land Port of Entry**

Chair Gaza called on Cameron County Judge Eddie Treviño, Jr. to present the item. Judge Treviño stated that the proposed expansion of the Gateway Bridge Land Port of Entry (LPOE) has garnered nationwide attention and mentioned the importance of sharing the information with TSC because of the potential impact the proposed design may have on the college. Judge Treviño introduced Mr. David Garcia, County Administrator, and Mr. Josue Garcia, Bridge Director, to assist him with the presentation.

Mr. David Garcia provided an overview regarding the current state of the Gateway LPOE, timeframe for improvements, proposed design, status of the feasibility study, anticipated total cost, and other details pertaining to the project. He stated that currently, in-bound traffic crossing from Mexico into the United States is directed straight onto International Boulevard and right past the college. He clarified that the proposed design will redirect in-bound traffic from two lanes into approximately six to eight lanes that will be stationed to the right of the current exit. Once the traffic passes through these lanes, the vehicles will exit away from International Boulevard because of a barrier that will block the traffic from passing directly into to TSC.

Judge Treviño clarified that the bridge will still have two lanes; however, those two lanes will feed into six to eight lanes at the port in order to maximize the use of the available space. Mr. De Leon, Jr. asked about the effect to the downtown area since pedestrians would have a longer walk in order to cross into the U.S. Judge Treviño responded that the estimated distance to cross into the U.S. with the proposed design will be about 900 feet, which is a little further than the current trip; however, the facility will provide a quicker flow of pedestrians and it will be larger, more modern, and air conditioned.

Mr. Josh Garcia explained that although this presentation does not show the level of detail, there will be approximately eight to nine stations for pedestrians walking across. He stated that they are considering a dedicated line or lines specifically for students and are also looking into options for ensuring students cross safely in route to our campus.

Mr. Mendez asked if the proposed design included room for future expansion. Judge Treviño responded that this project aims to utilize all available space. He stated that the expectation is that the new design will serve the community for approximately the next five to seven decades.

Chair Garza thanked Judge Treviño and his team for presenting this item to the Board.

## **9. Discussion on Guidelines for Board Committees**

Chair Garza called on TSC attorney Mr. Frank Perez to provide clarification regarding Board Committees. Mr. Perez noted that the Board Committees have been very active and recently there were questions regarding the committees' role.

He referred to the following excerpt from TSC Local Policy BCB (LEGAL) – *Board Internal Organization – Board Committees*:

*“A committee that includes less than a quorum of board members is not subject to the OMA (Open Meetings Act) if it serves a purely advisory function, with no power to supervise or control public business.”*

Mr. Perez explained that the type of meetings described in this policy are not subject to the OMA, which means that they are not subject to the 72-hour posting requirements.

Based on this policy, which is a restatement of the law, a committee of the Board must serve in a purely advisory function. This means that the committee itself will not make decisions because the Board is the sole body of the college that has the authority to make decisions by a majority vote. However, functioning in an advisory position gives committees the authority and ability to gather facts from TSC administration, faculty, and staff. Mr. Perez elaborated on the fact-finding function of the committee members by clarifying that they can ask staff to bring materials and information, but committee members cannot direct the staff to go out and conduct an investigation into matters on their own. He added that investigatory functions are maintained by the Board as a whole. Mr. Perez explained that crossing this line constitutes exercising supervisory power over public business and control over public business.

Per TSC Local Policy BD (Local) – *Board Meetings*, the President and the Chair confer on the items that will be included on the Board Agenda and the Chair has ultimate authority to approve the agenda. Mr. Perez added that BD (Local) also states that the Chair shall include on the agenda any item that a Board Member wants to have addressed by the Board. However, this policy does not give the committee the authority to withhold items from consideration by the Chair and the President for inclusion on the Board Agenda. Additionally, he stated that the Chair is required to include items requested to be addressed by Board Members on the agenda within a timely fashion.

Discussion ensued regarding the information that is provided to the Committees and to the Board. Mr. Perez clarified that although the Committees may present their recommendations to the Board, each Trustee is provided with the same information prior to the Board Meeting, which provides them the same opportunity to review the items to be considered and make a decision based on that.

Chair Garza added that by the time all Trustees arrive to the Board Meeting, they are not aware of whether or not a committee member has made a recommendation for or against any of the items that are included on the agenda; however, every Trustee is aware of the items included in their packets and is provided the same information. This fact affords each Trustee the same opportunity to vote for or against an item based on their own research and despite any recommendations that may be declared in the discussion of an item.

Chair Garza thanked Mr. Perez for his presentation and clarification.

## **10. Academic Committee Report**

Chair Garza called on Dr. Zavaleta to make the report. Dr. Zavaleta reported that the Academic Committee met twice on October 11<sup>th</sup> and October 17<sup>th</sup> and discussed the following items:

**a. Consideration and possible action on  
a Memorandum of Understanding with Communities in Schools  
of Cameron County for the Texas 21<sup>st</sup> Century  
Community Learning Centers Grant Program**

**A motion was made by Dr. Zavaleta to approve the Memorandum of Understanding with Communities in Schools of Cameron County for the Texas 21<sup>st</sup> Century Community Learning Centers Grant Program from the Texas Education Agency and authorize President Rodriguez to sign the MOU. The motion was seconded by Mr. De Leon, Jr. and carried unanimously.**

**b. Consideration and possible action on  
the Gateways to Completion Agreement**

**A motion was made by Dr. Zavaleta to table the discussion and possible action on this agenda item until the Board receives more information so the Board can better discuss the issues raised with this item. The motion was seconded by Mr. Rendon and carried unanimously.**

**c. Consideration and possible action on  
a Memorandum of Understanding with all school districts  
within Region One and Region Two and a Memorandum of Agreement  
with all public institutions of higher education  
within Region One and Region Two**

**A motion was made by Dr. Zavaleta to accept the Memorandum of Understanding with all school districts within Region One and Region Two and a Memorandum of Agreement with all public institutions of higher education within Region One and Region Two and authorize President Rodriguez to sign the MOU and MOA. The motion was seconded by Ms. Alejandro and carried unanimously.**

**d. Consideration and possible action on  
agreement with the Rio Grande Valley Talent Hub  
to participate in Degrees When Due,  
a project led by the Institute or Higher Education Policy**

**A motion was made by Dr. Zavaleta to approve the agreement with the institute for Higher Education Policy and authorize President Rodriguez to sign the agreement as presented. The motion was seconded by Mr. Mendez and carried unanimously.**

**11. Budget / Finance Subcommittee Report**

Chair Garza called on Dr. Zavaleta to make the report in the absence of Secretary, Mr. Ruben Herrera who is the chair of the committee. Dr. Zavaleta reported that the Budget/Finance Committee met on October 9<sup>th</sup> and discussed the following items:

**a. Consideration and possible action on  
the Notice of Grant Award for the Carl Perkins Career and**

**Technical Education-Basic Grant for FY2019 from the  
Texas Higher Education Coordinating Board**

**A motion was made by Dr. Zavaleta to accept the award for the Carl Perkins Career and Technical Education-Basic Grant in the amount of \$231,421 and authorize President Rodriguez to execute the related documents. The motion was seconded by Mr. De Leon, Jr. and carried unanimously.**

**b. Consideration and possible action on  
annual contracts for FY 2019**

**\*Note: Vice Chair Mendez stepped in to chair the meeting in Ms. Garza's brief absence.**

**A motion was made by Dr. Zavaleta to approve the continuation of annual contracts for Fiscal Year 2018-2019 and authorize President Rodriguez to execute the related documents. The motion was seconded by Ms. Alejandro. Motion carried with five votes in favor and one absence.**

**c. Consideration and possible action on  
the Child Care Local Match Contribution Agreement  
between Texas Southmost College (TSC Raul J. Guerra  
Early Childhood Center) and Workforce Solutions Cameron  
County (Local Workforce Development Board)**

**A motion was made by Dr. Zavaleta to approve the proposed Workforce Solutions Cameron Child Care Local Match Agreement and authorize President Rodriguez to sign the agreement as presented. The motion was seconded by Mr. De Leon, Jr. Motion carried with five votes in favor and one absence.**

**d. Consideration and possible action on  
approval of the rollover of FY2018 purchase order  
commitments and pending projects**

**A motion was made by Dr. Zavaleta to approve the rollover of the FY18 purchase order commitments and pending projects as presented. The motion was seconded by Ms. Alejandro. Motion carried with five votes in favor and one absence.**

**e. Report on Monthly Financial Statement  
for the month ending August 31, 2018**

**Dr. Zavaleta called on Dr. Gisela Figueroa, Vice President of Finance and Administration, to present the item. Dr. Figueroa gave an overview of the Financial Statements for the month ending August 31, 2018.**



\*Note: Chair Garza returned to the meeting as Dr. Figueroa began presenting the report.

At the conclusion of Dr. Figueroa's report, Dr. Zavaleta asked for some clarification regarding the variance of the Ad Valorem Tax collected. Dr. Figueroa explained that the variance of \$1,031,760 is representative of excess revenue collected in comparison to the estimated tax revenue in the amount of \$13,473,935 that was budgeted.

There was discussion regarding the collection of past due taxes. Dr. Figueroa stated that TSC collects approximately 92% of the taxes for the current year. She added that TSC contracts with the Cameron County Appraisal District to assess and collect taxes. The variance of \$1,031,760 in additional Ad Valorem Tax collected includes past due taxes as well as personal property tax collected.

This item was for information purposes only. No action was taken.

#### **e. Report on 4<sup>th</sup> Quarter Investment for FY 2018**

Dr. Zavaleta called on Dr. Figueroa, Vice President of Finance and Administration to present the item. Dr. Figueroa gave an overview of the quarterly investment report.

This item was for information purposes only. No action was taken.

#### **f. Payroll, Employee, Enrollment, Ratio, (PEER) Report**

Dr. Zavaleta called on Dr. Figueroa, Vice President of Finance and Administration to present the item. Dr. Figueroa gave an explanation of the report and ratios included.

Dr. Zavaleta stated that this was the first time this type of report had been generated for the Board's information. He expressed appreciation for the new perspective gained having been able to review this information.

Chair Garza thanked Dr. Figueroa for all her work on compiling the data and generating the report.

This item was for information purposes only. No action was taken.

### **12. Executive Session**

**The Board convened in Executive Session at 7:05 p.m.**

**The Board reconvened in Regular Session at 7:51 p.m.**

### **13. Action on Executive Matters**

#### **a. Consultation with Attorney on**

**Pending or Contemplated Litigation, Section 551.071, Texas Government Code**

No action was taken in open session.

**b. Consultation with Attorney on  
Pending Real Estate Issues, Section 551.072, Texas Government Code**

No action was taken in open session.

**c. Deliberation on  
Personnel Matters, Section 551.074, Texas Government Code**

No action was taken in open session.

**14. Announcement of Proposed Meeting Dates**

Chair Garza announced the following proposed meeting dates:


**Thursday, November 15, 2018, 5:30 p.m.**  
Regular Board Meeting

**Thursday, December 13, 2018, 5:30 p.m.**  
Regular Board Meeting

**15. Adjournment**

**A motion to adjourn the meeting was made by Mr. Mendez. The motion was seconded by Mr. De Leon, Jr. and carried unanimously. The meeting was adjourned at 7:52 p.m.**

  
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Ms. Adela G. Garza  
Chair, Board of Trustees

  
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Ruben Herrera, J.D.  
Secretary, Board of Trustees

The video recording of the Special Board of Trustees meeting held on October 18, 2018, is available on the TSC.EDU website. These minutes were taken and transcribed by Iris Birge, Senior Administrative Assistant. Videotaping of the Board of Trustees' meetings began on April 11, 1996.