

**SOUTH TEXAS COLLEGE
BOARD OF TRUSTEES REGULAR MEETING
Tuesday, March 28, 2023 @ 5:30 p.m.
Ann Richards Administration Building Board Room
Pecan Campus, McAllen, Texas 78501**

AGENDA

"At anytime during the course of this meeting, the Board of Trustees may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Board of Trustees under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at anytime during the course of this meeting, the Board of Trustees may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code. At this meeting, the Board of Trustees may deliberate on and take any action deemed appropriate by the Board of Trustees on the following subjects:"

COVID-19 Public Health / Attendance Measures

Due to COVID-19 and Social Distancing recommendations, members of the public are encouraged to watch the live broadcast of the meeting at:

<https://admin.southtexascollege.edu/president/agendas/live.html>.

- I. Call Meeting to Order**
- II. Determination of Quorum**
- III. Invocation**
- IV. Public Comments**
- V. Update by the College President**
- VI. Presentation**
 - 1. Presentation on the South Texas College *Regional Promise Strategy*
- VII. Consideration and Action on Consent Agenda**
 - A. Approval of Board Meeting Minutes
 - 1. February 14, 2023 Regular Board Meeting
 - B. Approval and Authorization to Accept Grant Awards and Agreements
 - 1) Department of Commerce National Telecommunications and Information Administration (NTIA), Connecting Minority Communities Pilot Program (CMC), BroadbandUSA, in the amount of \$2,850,148.35
 - 2) Texas Workforce Commission, Child Care Provider Expansion Initiative, in the amount of \$60,000.00
 - 3) Texas Workforce Commission, Camp Code, in the amount of \$44,815.00
 - 4) Texas Workforce Commission, Lower Rio Grande Valley Workforce Development Board, Texas Industry Partnership Grant, in the amount of \$50,000.00

- 5) Additional funds, Texas Pioneer Foundation, High School Equivalency Leads to College and Employment, in the amount of \$50,000.00
- 6) Additional Funds, Hispanic Association of Colleges and Universities (HACU), Grow with Google Hispanic Serving Institutions Career Readiness Program in the amount of \$30,000.00
- 7) Additional Grant(s) Received/Pending Official Award

VIII. Consideration and Action on New Items

1. Review and Approval of Proclamation 2023-007 in Support of Hidalgo County's Prosperity Task Force
2. Review and Adoption of Resolution 2023-006 in Support of the Texas Commission on Community College Finance Recommendations
3. Review and Action as Necessary on Quarterly Investment Report for Quarter Ending November 30, 2022
4. Presentation of the Delinquent Tax Collection Report for the Period Ending August 31, 2022
5. Presentation of the Delinquent Tax Collection Report for the Period Ending November 30, 2022
6. Review and Action as Necessary on Consultant Services Contract
7. Review and Action as Necessary on Proposed Revisions to Policy #5510: Grants

IX. Consideration and Action on Committee Items

A. Education and Workforce Development Committee Items

1. Review of Presentation to the Education and Workforce Development Committee:
 - a. Overview and Discussion of Guided Pathways at South Texas College

B. Finance, Audit, and Human Resources Committee Items

1. Review of Presentations to the Finance, Audit, and Human Resources Committee:
 - a. Update on Terra-Gen Development Company, LLC (La Joya Windpower, LLC) Tax Abatement Agreement between Terra-Gen Development Company, LLC and South Texas College
 - b. Review and Discussion of Mission Economic Development Authority (MEDA) Scholarship Fund Trust with Edward Jones for Student Scholarships and Report on Funds Distributed and Awarded
2. Review and Action as Necessary on Consent Agenda Items from the Finance, Audit, and Human Resources Committee
 - a. Approval of Award of Proposals, Rejection of Proposals, Purchases, Renewals, and Interlocal Agreements
 - A. Award of Proposals

- 1) Airway Management Trainers (Award)
- 2) Purchase of Clinical Skills Manikins (Award)
- B. Rejection of Proposals
 - 3) Ambulance Cots and Stair Chairs (Reject)
- C. Purchases and Renewals
 - a. Instructional Item
 - 4) Purchase Access to a Comprehensive Remediation, Testing, and Review Program (Purchase)
 - b. Non-Instructional Items
 - 5) Building Moving Services (Renew)
 - 6) Insurance Risk Management Services (Renewal)
 - 7) Recruitment Advertising Services (Renewal)
 - 8) Vehicle Maintenance and Repair Services (Renewal)
 - c. Technology Items
 - 9) Computers, Laptops, and Monitors (Purchase)
 - 10) Software and Consulting Services (Purchase)
 - 11) Adobe License Subscription Agreement (Renewal/Purchase)
- D. Interlocal Agreements
 - 12) Facility Lease Agreements (Lease/Rental)
- b. Approval to Modify the Bookstore Contract
- c. Approval of Disposal of Surplus Property Valued at \$5,000 and Over
- d. Approval of Firm for Delinquent Tax Collection Services for Hidalgo County and Starr County
- e. Approval of Resolution 2023-005 to Impose an Additional Percent Penalty and Additional Fees for Collection Cost of Delinquent Taxes as Authorized Under Sections 33.07, 33.08, and 33.48 of the Texas Property Tax Code for Attorney's Compensation
- f. Approval of Proposed Revisions to Tuition and Fees Schedules for FY 2023 – 2024
- g. Approval to Adopt New Business and Support Services Policies and Retire Current Policies
 - A-1. Adopt CG (Local) Safety Program
 - A-2. Retire Current Policy #6225: Safety
 - B-1. Adopt CGC (Local) Safety Program: Emergency Plans and Alerts
 - B-2. Retire Current Policy #4405 Hazard Communication Program
 - B-3. Retire Current Policy #6220: Emergency Closing of the College
- h. Approval to Adopt New Community and Governmental Relations Policy and Retire Current Policy
 - A-1. Adopt GDA (Local) Community Expression and Use of College Facilities: Conduct on College District Premises
 - A-2. Retire Current Policy #6322 Smoke/Tobacco/E-Cigarette Free Environment

- i. Approval to Adopt New Personnel Policies and Retire Current Policies
 - A-1. Adopt CDDA (Local) Payroll Procedures Salary Deductions
 - B-1. Adopt DLA (Local) Employee Performance: Evaluation
 - B-2. Retire Policy #3812: Faculty Evaluation
 - B-3. Retire Policy #4160: Non-Faculty Performance Appraisal

Policies Retired with No New Policy Adopted:

- C-1. Retire Current Policy #4710: Public Statements Regarding Personnel Matters
3. Review and Recommend Action on Resolution 2023-008 on a Written Statement for Professional Legal Services Contract
4. Discussion and Action as Necessary to Implement a 36-Hour Work Week Summer Schedule Starting May 15, 2023 and Ending on August 13, 2023
5. Review and Action as Necessary on Proposed Revisions to Credit Students Tuition and Fees Schedule for FY 2023 – 2024 to Include Simplified Tuition Rate and Bachelor's Degrees
6. Review and Action as Necessary on Approval to Purchase an Ambulance

C. Facilities Committee Items

1. Review and Action as Necessary on Consent Agenda Items from the Facilities Committee
 - a. Approval of Schematic Design and Authorization to Proceed with Solicitation of Construction Services for the Pecan Campus Ann Richards Administration Building A Additional Parking Lot
 - b. Approval to Contract Construction Services for the District Wide Flooring Replacements Phase II at Pecan Campus, Mid Valley Campus, and Nursing and Allied Health Campus
 - c. Approval of Proposed Change Order for the Regional Center for Public Safety Excellence Canopy for Safety Training Vehicles and Flammable Liquid and Gas (F.L.A.G.) Fire Training Area
2. Update on Status of Unexpended Plant Fund Construction Projects and Renewals & Replacements Projects

X. Consideration and Approval of Checks and Financial Reports

XI. Announcements

A. Next Meetings:

- Tuesday, April 11, 2023
 - 3:00 p.m. - Education & Workforce Development Committee
 - 4:00 p.m. – Facilities Committee
 - 5:00 p.m. – Finance, Audit and Human Resources Committee
- Tuesday, April 25, 2023
 - 5:30 p.m. – Regular Board Meeting

B. Other Announcements:

- South Texas College will be closed Thursday, April 6th – Sunday, April 9th for Semester Break.
- The Spring 2023 Commencement Ceremonies have been scheduled for Friday, May 5th and Saturday, May 6th at the Bert Ogden Arena in Edinburg, TX:

Friday, May 5, 2023

- 9:00 a.m.
- 12:30 p.m.
- 4:30 p.m.

Saturday, May 6, 2023

- 9:30 a.m.
- 1:30 p.m.

Delinquent Tax Attorney Public Notice Requirement

This public notice is issued as required by Government Code Section 2254.1036. Such notice is required on or before the time of giving written notice of the meeting at which a contingency fee contract for legal services is to be approved. This notice may be attached to the agenda and/or the District's notice in its webpage, prior to the next board meeting.

The following material, satisfies the remainder of the public notice requirement.

The College seeks to engage the services of delinquent tax counsel, which may be a contingency fee agreement, with fees determined as provided under the Act. In that regard, the College needs to engage the services of delinquent tax counsel who has demonstrated competence, qualifications and experience in the requested services. The College has included in its Request for Proposals for Delinquent Tax Counsel which have been fully disclosed to the public prior to the trustee's meeting (and thus satisfied) the matters required to be disclosed under section (A) thru (C) below. Further notice is provided in section (D) through (F) below:

- (A) the services sought by the College;
- (B) the competence, qualifications and experience demonstrated by the law firm which would be selected as counsel;
- (C) the terms of the engagement agreement, which included counsel's obligations, fees and the right of the College to terminate or continue the agreement beyond the initial term and the relationship between the parties;

The following notices are provided:

- (D) the legal services sought by the College cannot be adequately performed by the College's general counsel, other counsel regularly engaged by the College and the supporting personnel of the College. The tax collection services require competences, experience and legal knowledge which are not normally had by general counsel and the College's supporting personnel. Specifically, the College's Request for Qualifications sets out these competences, experience and legal knowledge essential to the delinquent tax collection services which the College seeks. Further, the specialized legal services required by the fee agreement require a high cost of implementing the appropriate infrastructure and technology and employing sufficient in-house attorneys and staff with the level of experience and competence necessary to perform the myriad of services.
- (E) For the same reasons described in (D) above, a contingent fee contract for legal services is in the best interest of the residents of the College. In HB 2826, the Texas Legislature expressly recognizes that delinquent tax collection services are unique and particularly limited given the financial stability and technological resources and competences, experience and legal knowledge that are required to be had in order for legal counsel to perform its services in an efficient manner. The areas of legal practice which delinquent counsel typically is required to engage in in order to perform its services include: Texas constitutional, statutory and common law as it relates to legal titles, probate, encumbrances mortgages, foreclosures: collection procedures; interest and usury; federal tax law and bankruptcy law;
- (F) the engagement of delinquent tax collection counsel on a contingency fee basis is in the best interest of the College and of its residents on the basis of the following: (1) the College has the benefit of receiving and relying on the legal advice of a qualified and experienced legal counsel; (2) the College avoids having to pay significant amounts of money as fees for a multiplicity of legal services and reimbursable costs and expenses; (3) a contingency fee allows the College to pay for legal fees as they are earned by legal counsel rather than to rely on its Maintenance and Operations Fund. Further, Texas Tax Code Section 6.30, 33.07, 33.08, 33.11, and 33.48 specifically provide for an additional penalty imposed on delinquent taxes to compensate collection attorneys.