

South Texas College
Board of Trustees
Finance, Audit, and Human Resources Committee
Ann Richards Administration Building Board Room
Pecan Campus, McAllen, Texas
Tuesday, March 7, 2023 @ 5:00 p.m.

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.”

- I. Approval of January 17, 2023 Finance, Audit, and Human Resources Committee Minutes
- II. Update on Terra-Gen Development Company, LLC (La Joya Windpower, LLC) Tax Abatement Agreement between Terra-Gen Development Company, LLC and South Texas College
- III. 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
- IV. Review and Action as Necessary on 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)
- V. Discussion and Action as Necessary to Modify the Bookstore Contract

- VI. Review and Action as Necessary on Disposal of Surplus Property Valued at \$5,000 and Over
 - VII. Review and Recommend Action on Firm for Delinquent Tax Collection Services for Hidalgo County and Starr County
 - VIII. Review and Recommend Action on Resolution 2023-005 to Impose an Additional Percent Penalty for Collection Cost of Delinquent Taxes as Authorized Under Section 33.07 of the Texas Property Tax Code for Attorney's Compensation
 - IX. Discussion and Action as Necessary to Implement a 36-Hour Work Week Summer Schedule Starting May 15, 2023 and Ending on August 13, 2023
 - X. Review and Recommend Action on Proposed Revisions to Credit Students Tuition and Fees Schedule for FY 2023 – 2024 to Include Simplified Tuition Rate and Bachelor's Degrees
 - XI. Review and Recommend Action on Proposed Revisions to Tuition and Fees Schedules for FY 2023 – 2024
 - XII. Review and Recommend Action 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
 - XIII. Review and Recommend Action 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
 - XIV. Review and Recommend Action 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

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.