

SOUTH TEXAS COLLEGE
BOARD OF TRUSTEES SPECIAL MEETING
Thursday, April 16, 2020 @ 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>.

- Anyone wishing to make Public Comments as provided in the agenda is asked to sign up prior to the meeting, and they will be called into the Board Room individually when it is their turn to make comments.
- Anyone who wishes to be available to respond to questions that may arise on an agenda item will be asked to wait outside the Board Room until their agenda item is called upon by the Board of Trustees. Pecan Campus Room D-106 will be open and televising the live stream, and guests are invited to wait for their items there.
- Essential staff will be on standby in an adjacent area, and ready to be called into the meeting as needed.

- I. Call Meeting to Order**
- II. Determination of Quorum**
- III. Invocation**
- IV. Public Comments**
- V. Presentation**
 1. Update on South Texas College Response to COVID-19

VI. Consideration and Action Items

A. Finance, Audit, and Human Resources Items

1. Review of Traditional Student Enrollment Projection Models for Summer 2020, Fall 2020, and Spring 2021
2. Review and Discussion of Preliminary Budget Summary for FY 2020 – 2021
3. Discussion and Action as Necessary on Employment and Fiscal Actions in Response to College Closure Due to COVID-19
4. Discussion and Action as Necessary on the Proposed Postponement of the May 2020 Commencement Ceremonies
5. Discussion and Action as Necessary Regarding the Waiving of Electronic Distance Learning/VCT Course Fees for Dual Credit Students Enrolled in Distance Education Online Courses for Summer 2020
6. Discussion and Action as Necessary Regarding the Waiving of Student Activity Fees for Students Enrolled in Courses for Summer 2020
7. Review and Action as Necessary on Engagement of Bond Counsel for Proposed Bond Refunding
8. Review and Action as Necessary on Purchase and Renewal
 - A. Purchase and Renewal
 - 1) Online Tutoring Services (Purchase and Renewal):

VII. Announcements

A. Next Meetings:

- Tuesday, April 28, 2020
 - 5:30 p.m. – Regular Board Meeting

- Tuesday, May 12, 2020
 - 3:30 p.m. – Education and Workforce Development Committee
 - 4:30 p.m. – Facilities Committee
 - 5:30 p.m. – Finance, Audit, and Human Resources Committee

- Tuesday, May 26, 2020
 - 5:30 p.m. – Regular Board Meeting

Date: 4.16.20

Re: South Texas College Bond Counsel

This summary notice is intended to comply with the notice requirements set out in HB 2826 and Section 2254.101, Government Code (the “Act”), as amended. The Government Code was amended during the last session of the Legislature in order to require local political subdivisions to give notice of their engagement of legal services on a contingency fee basis. Bond counsel services are included within the definition of contingency fee legal services.

This notice supplements any material which might have been attached to the board of trustees agenda relating to the engagement of bond counsel. The following is intended to satisfy the notice requirement and may be included in the board’s meeting packet as long as that packet is available to the public. Any additional notice which is available to the public will also satisfy the requirements of the law.

The Public Notice Requirements Under HB 2826 are the following:

On or before the time of giving written notice of the meeting at which contract is to be approved, also provide notice to the public as follows:

1. The reason for pursuing the matter that is the subject of bond counsel legal services for which the Attorney would be retained and the desired outcome of the matter:

--The College seeks to issue limited tax bonds and/or other debt obligations as authorized under the provisions of the Texas Education Code, Section 1207.01 *et. seq.* of the Government Code and provisions of other Texas laws which authorize issuance of debt obligations by the College. In that regard, the College needs to engage the services of bond counsel who has demonstrated competence, qualifications and experience in the requested services.

--The College will engage the legal services after determining that the negotiated fees are fair and reasonable.

At or before the posting of the agenda for the meeting at which bond counsel was initially engaged, the College has/is giving notice of the open meeting to be held under provisions of Section 551.041 of the Local Government Code.

--(A) The College gives notice that its engagement is only for “bond counsel services” as described in the bond counsel’s offer to the College which sets out those services requested by the College.

--(B) The firm selected by the College has demonstrated the competence, qualifications and experience to be selected as bond counsel;

--(C) The terms of the engagement agreement include bond counsel obligations, fees and the right of the College to terminate the relationship;

--(D) The bond counsel legal services sought by the College cannot be adequately performed by the general counsel, other counsel regularly engaged by the College and the supporting personnel of the College. The services require competences, experience and legal knowledge which are not normally had by general counsel and the College’s supporting personnel. The bond counsel’s proposed engagement agreement sets out these competences, experience and legal knowledge essential to the bond counsel services which the College seeks.

--(E) For the same reasons describe 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 the availability of bond counsel services is particularly limited given the competences, experience and legal knowledge that are required to be had in order for bond counsel to perform its services and issue the legal opinions required upon issuance of the bonds. The areas of legal practice which bond counsel typically is required to engage in in order to perform its services include: election laws, Texas constitutional, statutory and

common law as it relates to elections and bond elections; the legal authority of political subdivisions to enter legally enforceable obligations, and in particular debt obligations, and the levying of taxes in payment thereof; federal tax law and Internal Revenue Regulations, particularly as they relate to issuance of tax-exempt debt by political subdivisions; and U.S. Securities laws and their application and exemptions for political subdivisions.

--(F) the engagement of bond 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 experience legal counsel; (2) the College is able to rely on the legal advice of bond counsel throughout all preparatory actions relating to issuance of a bond without having to pay significant fees during the process; (3) College decisions to postpone an action, including an election and issuance or sale of the bonds does not result in paying additional legal fees; and (4) a contingency fee allows the College to pay for and capitalize fees for the bond counsel and all related fees out a debt fund rather than from the College's Maintenance and Operations Fund.