



Texas Southmost College

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Texas Southmost College District

Minutes of the Regular Meeting of the Board of Trustees

May 16, 2019

The Board of Trustees of the Texas Southmost College District convened in open session on May 16, 2019, at 5:31 p.m., in the Gorgas Board Room at Texas Southmost College. Board Members present were Mr. Trey Mendez, Vice Chair, Mr. Ruben Herrera, Secretary, Mr. J.J. De Leon, Jr., Mr. Art Rendon, Dr. Antonio Zavaleta, and Ms. Eva Alejandro. Absent was Ms. Adela Garza, Chair. Also present was Dr. Jesús Roberto Rodríguez, President of Texas Southmost College.

1. Call to Order

The meeting was called to order by Vice Chair Trey Mendez at 5:31 p.m.

Before proceeding with the meeting items, Chair Mendez asked that everyone observe a moment of silence in remembrance of TSC's LVN Program Director and Instructor, Mr. Tony Cortez, who passed away the week prior.

2. Pledge of Allegiance

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

3. Public Comment.

Ms. Alondra Gonzalez, Ms. Annette Hernandez, Mr. Jonathon Alvarado, and Mr. Jonathon Osorio spoke on behalf of the Student Government Association and Campus Activity Board. The students thanked the Board of Trustees and President Rodriguez for their support of the student body and their investment in the college, including the investment in providing free public transportation. They spoke in support of offering food services on campus and the positive impact a cafeteria would have in fostering relationships, making connections, and creating a collegiate environment. Mr. Osorio expressed that the Student Government Association looked forward to working together with the Board, President Rodriguez, and TSC Administrators in assisting in any way possible.

4. Consideration and possible action on the Minutes of the Regular Board Meeting of April 18, 2019

**Consideration and possible action on the
Minutes of the Regular Board Meeting of April 18, 2019**

A motion was made by Mr. Herrera to approve the Minutes of the Regular Meeting of April 18, 2019. The motion was seconded by Dr. Zavaleta and carried with six votes in favor and one absent.

5. President's Report

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

- **Enrollment Events & Activities**

President Rodriguez began his report with an update on Summer Enrollment. He stated that TSC has continued to host a series of registration and recruitment activities, including conducting weekly visits to area high schools, sending post cards, email blasts and text messages to students, and hosting two student mixers and a registration rally

Additional rallies will be held in June, July and August and extended registration hours will be offered beginning on June 1st. As of today, a total of 1,463 students have enrolled for Summer I and 809 students for Summer II. The first day of classes for the summer is on June 3rd.

- **2019 Commencement**

Spring Commencement will be held Saturday, May 18th at the Jacob Brown Auditorium. The first ceremony will be at 10 a.m. and the second at 2 p.m. The commencement speaker will be Texas Workforce Commissioner Representing Labor, Mr. Julian Alvarez. President Rodriguez extended an invitation to join the celebration of our graduates on achieving this important milestone in their lives and educational careers.

- **Hurricane Preparedness**

Hurricane Season begins on June 1st and runs through November 30th. As part of our Hurricane Preparedness Plan, TSC has taken the necessary steps to be prepared in the event of a hurricane.

- **Video Presentation**

The President concluded his report by sharing the monthly video presentation, which highlighted several events and activities that occurred since the last Board Meeting. President Rodriguez shared his appreciation to everyone for their commitment and hard work as TSC moves forward and remains very engaged with the community and students. He thanked the Board of Trustees for their support and commitment in helping the college to move forward with purpose and direction.

6. Presentation of Scholarship donation by Charro Days, Inc.

Vice Chair Mendez called on Ms. Melinda Rodriguez, Vice President of Institutional Advancement and Community Relations to present the item. Ms. Rodriguez introduced the Charro Days organization as a distinguished community partner and recognized members of their board who were present: including Ms. Elsa Cisneros, Ms. and Mr. Lulu and Ken Lieck, Mr. and Ms. Jaime and Lucy Escamilla, and the Executive Director Mr. Rosendo Escareño.

Ms. Lulu Lieck stated that the Charro Days organization is honored to be working with Texas Southmost College and they look forward to the future success that comes from the partnership. She expressed gratitude on behalf of the organization to TSC for allowing the Charro Days carnival to be held at the TSC ITEC Center and for hosting other Charro Days events at the Jacob Brown Auditorium. Ms. Lieck extended an invitation to the celebration of the 2020 Charro Days Fiesta events and concluded by presenting a check for \$5,000 for scholarship for TSC students. In addition, they also presented the Board with the first ever Charro Days Sponsor statue.

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

7. Consideration and possible action on Guidelines for Review of the TSC's Mission Statement

Vice Chair Mendez called on Mr. Oscar Hernandez, Executive Director of Institutional Research and Compliance, to present the item. Mr. Hernandez stated that this item is a recommendation from SACSCOC to establish guidelines to review the mission statement on a regular rotation. Vice Chair Mendez asked if there was a requirement or limit to how often the mission statement should be reviewed. Mr. Hernandez responded that there is no minimum or maximum timeframe and that the recommendation from SACSCOC is that the statement be reviewed "regularly." Moreover, TSC Administration is recommending that the regular review take place no later than March 31st on even-numbered years. Mr. Mendez inquired if the last review took place in 2018 and Mr. Hernandez confirmed that this was correct.

A motion was made by Mr. Rendon to approve the guidelines to review the Mission Statement as presented. The motion was seconded by Mr. De Leon and carried with six votes in favor and one absent.

8. Budget and Finance Committee Report

Vice Chair Mendez called on Mr. Herrera to make the report. Mr. Herrera stated that the Committee met on May 7th and discussed several items, each of which will be taken up individually.

8a. Consideration and possible action on Grant Award from the Brownsville Foundation for Health and Education for Electronic Patient Care at TSC

Mr. Herrera called on Ms. Melinda Rodriguez, Vice President of Institutional Advancement and Community Relations, and Mr. Scot Nelson, Acting Dean of Health Professions, to present the item. Ms. Rodriguez stated that electronic medical record technology has been a part of the industry for over ten years and TSC is very fortunate to receive the support of this local community organization to make that technology available to our students. The funds will be used to enhance student learning with the purchase of equipment.

A motion was made by Mr. Herrera to approve the item as presented by Mr. Nelson; which is to accept the award for the Electronic Patient Care initiative from the Brownsville Foundation for Health and Education in the amount of \$22,122.78 and authorize President Rodriguez to execute he related documents. The motion was seconded by Dr. Zavaleta and carried with six votes in favor and one absent.

8b. Consideration and possible action on grant award from the Texas Workforce Commission for the Skills for Small Business Program

Mr. Herrera called on Ms. Melinda Rodriguez, Vice President of Institutional Advancement and Community Relations, and Dr. Joseph Fleishman, Associate Vice President of Instruction-Workforce Development, to present the item. Ms. Rodriguez explained that TSC has an ongoing partnership with the Texas Workforce Commission and the college has been allocated an award of \$26,250 to enhance the economic development of the small business community through the Small Business Skills Development Fund. Dr. Zavaleta inquired if this grant required a match. Ms. Rodriguez replied that this grant does not require a match.

A motion was made by Mr. Herrera to accept the recommendation, which is to accept the grant award from the Texas Workforce Commission in the amount of \$26,250 and allow the President to negotiate and execute the contract. The motion was seconded by Ms. Alejandro and carried with six votes in favor and one absent.

8c. Consideration and possible action on award of RFQ 19-06 for "Auditing Services"

Mr. Herrera called on Dr. Gisela Figueroa, Vice President of Finance and Administration, to present the item. Dr. Figueroa gave a presentation of the Request for Qualifications (RFQ) process that was followed, including a detailed timeline, scope of services, and procurement method. With respect to the procurement method, Dr. Figueroa referenced Government Code Ch. 2254 and the TSC Board Policy "CF-Legal," which require that the college follow the RFQ process when procuring a professional service. Dr. Figueroa clarified that an RFQ is different from an RFP because the primary factor in selecting a vendor are the qualifications of the vendor rather than the price.

Mr. Mendez noted that in years past, this service has been procured according to price and questioned why the process was changed this year. Mr. Herrera responded that after some discussion with legal counsel, it was explained that price was not considered as a primary factor because this is an RFQ and not an RFP. He explained that the law and our policy will not allow us to check a specific price, but will allow us to check a fair and reasonable price. Mr. Herrera added that the term "fair and reasonable price" was defined by TSC as an amount not to exceed the current price paid for these services plus 10%.

Further discussion ensued as Mr. Mendez expressed concern over how some of the criteria were ranked with respect to prior relationship with the college and vendor location and questioned the section of the document concerning long term cost to the college in which one vendor's cost was significantly higher than the rest. Dr. Figueroa stated that the evaluation committee was very diverse and each member ranked the proposals according to their understanding of the document. She elaborated that the diversity of the group and their diverse perspectives could have attributed to the way that each criteria was ranked.

A motion was made by Mr. Rendon to accept the recommendation from administration to authorize the President to negotiate and execute a contract for a "fair and reasonable price" with the qualified respondents in order of ranking. A "fair and reasonable price" is defined as not exceeding 10% than the price paid for these services during the previous audit year (2017-2018). The motion was seconded by Mr. De Leon and carried with six votes in favor and one absent.

8d. Consideration and possible action on award of 19-08 for "Campus Data Cabling Services"

Mr. Herrera called on Mr. Luis Villarreal, Vice President of Information Technology, to present the item. Mr. Villarreal provided a presentation of the RFP, including a detailed timeline, and explanation of the diverse types of cabling services needed on campus to ensure that we align to institutional standards and industry standards. Mr. Villarreal stated that the recommendation is to award all three vendors because it will allow the college to choose from the different certifications each vendor has to offer.

Mr. Mendez asked how work would be assigned to the vendors. Mr. Villarreal responded that BridgeNet did score the highest and is more qualified, but the college would try to be fair about assigning work and selection would be based on urgency and at the discretion of whoever is in charge of projects that arise. Mr. Mendez noted that BridgeNet's cost was significantly higher than the other two. Mr. Villarreal replied that cost would definitely be a factor to consider, but the price listed is at standard cost and can be negotiated down.

A motion was made by Mr. Herrera to award RFP 19-08 for "Campus Data Cabling" to BridgeNet Communications, LLC, INNOVAERA, Inc. DBA SUPERNOVA, and SMTELCOM, Inc. for the period of May 2019 to August 31, 2020 and authorize the President to execute purchases as needed. The motion was seconded by Mr. Rendon and carried with six votes in favor and one absent.

8e. Consideration and possible action on award of RFP 19-15 "Information Technology Outsourcing Services"

Mr. Herrera called on Mr. Luis Villarreal, Vice President of Information Technology, and Dr. Gisela Figueroa, Vice President of Finance and Administration, to present the item. Dr. Figueroa and Mr. Villarreal presented the information to the board, which included the detailed timeline, the scope of work, and method of procurement.

Mr. Mendez clarified that this item, although for the same services, was not the same as what was presented originally and was sent out for bid again. Mr. Villarreal responded that this was correct

and the information being presented was from a completely different RFP response. Mr. Mendez asked about how the prices in this RFP compared to the first attempted RFP. Mr. Herrera responded that they were pretty much the same.

Dr. Figueroa stated that the prior RFP requested proposals for a one-year contract and when the best and final offers were requested from the top three ranked vendors, the vendors provided the cost for a three-year contract plus one year option to renew. For this new RFP, each vendor was asked to provide the cost of a four-year contract plus one year option to renew. Dr. Zavaleta asked for the further clarification regarding contract term. Dr. Figueroa reiterated that the prior RFP prices were made public at the board meeting and it would be an unfair advantage for competitors if the term were kept the same; therefore, the term was changed to be fair to returning participants. Also, the college potentially benefits from the cost of savings that usually comes with a longer term.

Dr. Zavaleta continued the discussion by asking if the price would be fixed through the course of the four-year term. Dr. Figueroa stated that all respondents included a CPI increase in their responses. Mr. Mendez noted that the pricing table included in the presentation does not indicate any increase. Mr. Herrera asked how much the CPI was worth. Dr. Figueroa explained that the index varies from year to year depending on inflation, the economy, and other pertinent factors. She stated that this year's CPI was about 2.5%.

Further discussion ensued as Mr. Rendon remarked on how close the price was for two of the participating vendors and asked if the committee was concerned about this. Dr. Figueroa explained that there was no concern over the prices provided. She stated that the college has no input on the pricing provided by the vendors and stated that prices were also very close when the first RFP was conducted. Dr. Zavaleta continued the conversation by asking if there is an appropriate escape clause in the contract. Mr. Villarreal responded that the college will have termination clauses and escape clauses in the contract.

Mr. Mendez inquired as to whether there are plans for the college to go in-house for these services in the future. Mr. Villarreal responded that the college is currently not ready to provide in-house IT services; however, he explained that by requesting the split cost of services in the first RFP we gained knowledge about the cost of each individual service. This knowledge will eventually allow the college to negotiate and bring some of those individual services back in-house and it will be discussed in the contract negotiation.

A motion was made by Mr. Rendon to move forward with the recommendation of administration on the contract; which is to award RFP 19-15 for "Information Technology Outsourcing Services" to Ellucian Company, LP for the period of September 1, 2019 to August 31, 2023 and authorize the President to execute the contract. The motion was seconded by Mr. De Leon and carried with six votes in favor and one absent.

8f. Consideration and possible action on Annual Contracts and Suppliers for FY 2019-2020

Mr. Herrera called on Dr. Gisela Figueroa, Vice President of Finance and Administration, to present the item. Dr. Figueroa presented the board with fifteen contracts for suppliers used by the college

throughout the fiscal year and explained that each individual contract has the likelihood of reaching the \$25,000 threshold. The purpose for presenting the contracts before the board at this juncture is to establish an approval process before the college embarks in doing business with any of the vendors that can possibly cross the \$25,000 threshold. Dr. Figueroa proceeded to present details on the contracts.

Dr. Zavaleta noted that the majority of the contracts discussed were for consumables; however, he stated that custodial services are not a consumable. He elaborated that in the past, the contract for custodial services had been taken up as an independent item and due to this concern, he could not support this item. Mr. Herrera asked Dr. Zavaleta if he wanted to pull the custodial service renewal out of consideration for approval and have it brought for back as an independent item at the next board meeting. Dr. Zavaleta accepted that change. Mr. Mendez added to the discussion by asking about the contract term for the current custodial service agreement in place. Dr. Figueroa responded that the current contract would not expire until August 31, 2019 and stated that there is still time to bring this item back.

A motion was made by Mr. Herrera to approve the item as requested; which is to approve continuation of annual contracts and suppliers for fiscal year 2019-2020, with the exception of the Marcis & Associates contract, which will be brought for consideration at the next board meeting. The motion was seconded by Dr. Zavaleta and carried with six votes in favor and one absent.

8g. Consideration and possible action on Budget Amendment #19-004

Mr. Herrera called on Dr. Gisela Figueroa, Vice President of Finance and Administration, to present the item. Dr. Figueroa stated that Budget Amendment #19-004 is being proposed to increase the FY2019 budget by \$587,338 for the payment of adjunct instructors that will be teaching this summer. She added that this amendment is not a request for money from the fund balance and explained that the funds are projected to be collected from the tuition and fees from the summer semester, as well as, unclaimed property revenue that was received this year in the amount of \$77,924.

Mr. Mendez questioned if adjunct professors are not budgeted for in the summer. Dr. Figueroa responded that at the beginning of the fiscal year the department budgeted an estimated amount for adjuncts for the entire year; however, due to an increase in enrollment, there has been an increase in the need for instructors.

A motion was made by Mr. Herrera to approve Budget Amendment 19-004 for Fiscal Year 2019 in the amount of \$587,338 as presented. The motion was seconded by Mr. Rendon and carried with six votes in favor and one absent.

8h. Monthly Financial Statement Report for the month ending March 31, 2019

Dr. Gisela Figueroa gave an overview of the Financial Statements for the month ending March 31, 2019. This item was for information purposes only. No action was taken.

9. Policies Committee Report

Vice Chair Mendez called on Ms. Alejandro to make the report.

Ms. Alejandro stated that the Committee met on May 8th and discussed the following policies: DEC, Compensation and Benefits – Leaves and Absences and DGBA, Personnel-Management Relations – Employee Grievances. Ms. Alejandro called on Ms. Lissa Frausto, Chief Human Resources Officer, to present the update.

9a. Consideration and possible action on approval of DEC Compensation and Benefits – Leaves and Absences.

Ms. Frausto explained that DEC, Compensation and Benefits – Leaves and Absences is a local policy in which the following changes are being proposed for approval:

- the policy has been clarified to include that administrative approval should be received from the “respective vice president” for requests exceeding 10 workdays.
- the removal of language allowing employees to take unearned leave, which is being removed to avoid problematic issues, such as collecting money from an employee who leaves the College before earning the leave that they have already taken.
- the addition of language regarding the expectation and notification process of faculty members who must miss class. This section also explains that instructors should not allow classes to meet without supervision and without notification to the divisional Dean regarding the absence.
- deletion of language for the provision of personal leave without pay in order to avoid inconsistent applications of this policy. She stated that there are many reasons an employee may choose to take personal leave without pay, which in turn leaves the college in a position where some employees are granted a longer leave of absence than others. She stated that the recommendation to delete this provision entirely is to avoid the inconsistencies that may occur. In lieu of this provision the College will grant leave based on FMLA and ADA regulations which will provide consistency and are the only legal requirements the College must adhere to.

Dr. Zavaleta raised a question on how the word “must” is defined when a faculty member misses a class and who makes the decision on how the term is defined. Mr. Herrera interjected and suggested to delete the word “must” from the language in the policy. He stated removal of the term would take care of the problem with the lack of definition or parameter. Dr. Zavaleta responded stating that this change would make the language acceptable.

Mr. Rendon asked if these recommendations came from administration or TASB. Ms. Frausto responded that these updates had been checked and verified by TASB but the recommendations were made by administration.

Before making a motion, it was decided to allow Ms. Frausto to present the second policy update.

9b. Consideration and possible action on approval of DGBA Personnel-Management Relations – Employee Grievances

Ms. Frausto explained that DGBA, Personnel-Management Relations – Employee Grievances is a local policy that TASB has updated by adding section number eight. This section focuses on complaints concerning the withdrawal of consent to remain on campus. She stated that these types of complaints should be governed by policy GDA and not DGBA.

Furthermore, a section was added for a Board Appeals Level process. The rationale for this addition is due to TASB's opinion that employees have a constitutional right to grieve before the governing Board. Therefore, the language has been added to allow for that process.

A motion was made by Ms. Alejandro to approve policies DEC and DGBA as presented. Vice Chair Mendez asked if Ms. Alejandro wanted to amend the motion to remove the word "must" from Policy DEC. Ms. Alejandro made a motion to amend the original motion by deleting the word "must" and adding "misses" to Policy DEC. The motion was seconded by Mr. Herrera and carried with six votes in favor and one absent.

10. Consideration and possible action on authorization for the TSC President, Dr. Jesus Roberto Rodriguez, to sign letters of support for all school districts in the Rio Grande Valley

Vice Chair Mendez called on Trustee, Mr. J.J. De Leon, Jr. to present the item. Mr. De Leon explained that, at times, the College receives the opportunity to partner to apply for grants that do not have any fiscal or financial implications. He stated that in the past, some letters have not been signed because the letters have to be brought to the Board for approval. The delay in the process has caused the college to lose opportunities; therefore, Mr. De Leon stated that the recommendation is to allow Dr. Rodriguez to sign letters of support for grant proposals from school districts in the Valley that do not have any fiscal or financial implications. Mr. De Leon specified that these letters would not require a match of any kind, and stated they are just letters of support. He added that any letter or grant which requires fiscal or financial implications will still be sent to the Board for approval.

A motion was made by Mr. Herrera to approve President Dr. Jesus Roberto Rodriguez to sign letters of support for all school districts in the Rio Grande Valley that have no financial implications to Texas Southmost College. The motion was seconded by Ms. Alejandro and carried with six votes in favor and one absent.

11. Student Services Committee Report

Vice Chair Mendez called on Mr. Art Rendon to present the item. Mr. Rendon stated that the committee met on Wednesday, May 8th and continued its discussion regarding food services on campus. He reported that the food services survey received 410 responses. He also mentioned that members of the Student Government Association, who created and administered the survey and provided insight on food services, joined the committee at their meeting last week.

Additionally, the committee tasked administration with conducting a feasibility and cost study to locate a cafeteria in either the North or South building or on the second floor of the Oliveira Student Services building. Mr. Rendon explained these locations were selected because one (North/South) received the highest percentage response in the survey and the other (Oliveira 2nd Floor) because it offer plenty of available space and because it attracts many students due to all the student services that are available in that building.

Mr. Rendon added that the committee and administration are doing their due diligence and gaining a lot of information to present a solution that is practical and cost effective. Mr. Rendon stated that the committee will continue to keep the Board informed of the progress. Mr. Mendez affirmed that as a member of the committee, they are making efforts to get more information and involve the stakeholders as much as possible. He stated that it's clear that students want food options that are healthy, close, quick, and inexpensive. Mr. Mendez concluded his statement by adding that the committee is working on this and remaining conscious and deliberate to make sure that efforts made are going to work.

Mr. Herrera asked for a timeline for completing this project. Mr. Mendez explained that he wants to remain deliberate in the efforts being made to ensure that the outcome will be cost conscious for the college as well as fulfilling the needs of our students. Following further remarks, Mr. Mendez stated that he would like to get something done within the next two to three months. Discussion continued as Mr. De Leon expressed concern that the survey reflects only 410 student responses which is a small demographic of the student population. Mr. Mendez responded that even though it was a small group of participants, the response was very obvious. Responses were mostly the same exact answers.

Mr. De Leon continued the discussion and asked with regard to the areas of consideration in North and South buildings, whether the committee would be disturbing educational space if they decide to place the food services in these locations. Mr. Rendon addressed the concern and stated that the committee is moving forward for a practical solution. It is not the intent of the committee to disrupt educational environments, which is one of the reasons that the committee is looking at all available options while moving as quickly as possible. He agreed with Mr. Mendez on the proposed timeline of three months.

This item was for informational purposes and no action was required.

12. Executive Session

- a. **Consultation with Attorney on Pending or Contemplated Litigation, Section 551.071, Texas Government Code.**
- b. **Consultation with Attorney on Pending Real Estate Issues, Section 551.072, Texas Government Code.**
 - **Consideration and possible action on Fourth Amendment to the lease Agreement with the University of Texas – Rio Grande Valley**
- c. **Deliberation on Personnel Matters, Section 551.074 Texas Government Code**
 - **Consideration and possible action on Salary Schedule**

The Board convened in Executive Session at 7:09 p.m.

The Board reconvened in Regular Session at 7:29 p.m.

13. Action on Executive Matters

A motion was made by Mr. Herrera to approve the lease agreement with the University of Texas – Rio Grande Valley and the Salary Schedule as presented by the President in Executive Session. The motion was seconded by Mr. De Leon and carried by six votes in favor and one absent

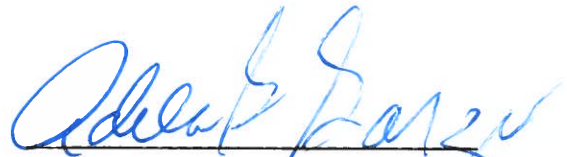
14. Announcement of Proposed Meeting Dates

Vice Chair Mendez announced the following proposed meeting date:

Thursday, June 27, 2019, 5:30 p.m.
Regular Board Meeting

15. Adjournment

A motion to adjourn the meeting was made by Mr. Herrera. The motion was second by Ms. Alejandro and carried with six votes in favor and one absent. The meeting was adjourned at 7:31 p.m.



Adela G. Garza
Chair, Board of Trustees



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