

THE STATE OF TEXAS       §

COUNTY OF CAMERON       §

## **TEXAS SOUTHMOST COLLEGE DISTRICT**

### **RESOLUTION OF THE BOARD OF TRUSTEES OF TEXAS SOUTHMOST COLLEGE COVID-19 Virus**

**WHEREAS**, the TEXAS SOUTHMOST COLLEGE Board of Trustees recognizes that officials in the Brownsville and Cameron County have declared an emergency regarding the spread of coronavirus/COVID-19 (hereafter "COVID-19") and that the territory included in Texas Southmost College is within the areas where an emergency has been declared; and,

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a statewide emergency, and, later that same day, the President of the United States declared a national emergency regarding COVID-19;

**WHEREAS**, the Texas Southmost College Board of Trustees recognizes that COVID-19 is an unforeseen and unavoidable emergency of urgent public necessity, that the World Health Organization has declared COVID-19 a pandemic, and that additional emergency declarations may follow in the coming days and weeks; and,

**WHEREAS**, the Texas Southmost College Board of Trustees has a substantial public interest in protecting the health and safety of its students, staff, and community and therefore desires to ensure that the college district and community are prepared to the fullest extent possible to protect the health and safety of students, staff, and community in light of COVID-19; and,

**WHEREAS**, the Board of Trustees of Texas Southmost College seeks to retain its employees, reduce turnover, increase morale, help employees focus on work-related matters while at work, and facilitate the return of employees to normal operations, and believes that an additional public purpose exists in doing so; and,

**WHEREAS**, the Board of Trustees of Texas Southmost College believes the public purposes described above are fulfilled by efficiently and effectively making certain delegations, as described more fully herein, to the President to address this ever-changing emergency situation in the best interest of the health, safety, and well-being of its students, staff, community, and the citizenship at-large.

- (6) The authority to alter the Texas Southmost College 2019-2020 calendar by changing and/or adding campus/instructional hours and work/campus days as necessitated by altered operations and/or a college closure or related concerns;
- (7) The authority to create guidelines and make determinations regarding absences, leave time, leave days, and compensation of any employee who is quarantined as a result of COVID-19 and/or who tests positive for COVID-19 and who presents appropriate medical documentation regarding themselves and/or an immediate family member, in the sole discretion of the President or his designee, in compliance with Texas and federal law;
- (8) The authority to seek any necessary waivers from the Texas Higher Education Coordinating Board, SACSCOC, and any other accreditation or certifications agencies, without further action of the Board of Trustees regarding missed instructional days, low attendance, or any matters related to altered operations and/or a college closure as part of this Resolution;
- (9) The authority to declare a catastrophe and take all actions as appropriate in accordance with Texas Government Code Section 552.233 regarding temporary suspension of the Texas Public Information Act;
- (10) In the event other waivers or immediate action is needed, the President is authorized to take other action and to submit/apply for other waivers in accordance with guidance and instructions from the national, state and local authorities and/or agencies.

**FURTHER RESOLVED THAT** (1) the emergence of COVID-19 and its spread constitute an unforeseen emergency/matter of urgent public necessity; (2) the delays posed by competitive procurement of contracts necessary to mitigate, prevent, restore, replace and/or repair equipment, personal property, and/or facilities will prevent or substantially impair the conduct of classes or other essential college activities; and (3) upon approval by a majority of the chair, vice-chair and secretary (hereinafter executive committee of the Board of Trustees), the President and his designee(s) are authorized to procure, negotiate, and execute contracts for goods and services that are necessary to mitigate, prevent, restore, replace and/or repair damage caused to Texas Southmost College equipment, personal property, and facilities or to protect the safety of Texas Southmost College students and employees; and (4) the President shall inform the Board of Trustees of all emergency purchases made hereunder at the next regular Board meeting following such purchases.

The President and/or designee(s) will provide timely and reasonable information to the Board of Trustees with regard to decisions made pursuant to this Resolution.

This Resolution shall remain in effect until rescinded by Board Action at a duly called Board Meeting.

**IT IS THEREFORE:**

**RESOLVED THAT** the Board of Trustees of Texas Southmost College finds a substantial public purpose exists in protecting the health and safety of its students, staff, and community and therefore in ensuring that the college district and community are prepared to the fullest extent possible to protect the health and safety of students, staff, and community in light of COVID-19; and,

**FURTHER RESOLVED THAT** the Board of Trustees of Texas Southmost College finds a public purpose also exists in retaining its employees, reducing turnover, increasing morale, helping employees focus on work-related matters while at work, and facilitating the return of employees to normal operations; and,

**FURTHER RESOLVED THAT** the Board of Trustees of Texas Southmost College may have telephonic or video conference Board meetings accessible to the public in order to provide continued governmental operations while preserving transparency;

**FURTHER RESOLVED THAT** in furtherance of the public purposes so stated in this Resolution, the Board of Trustees of Texas Southmost College makes the following delegations to the President in order to efficiently and effectively prepare the college district in response to the declarations of emergency announced by the United States, the State of Texas, the City of Brownsville and Cameron County as well as in preparation for the potential declarations of emergencies by other local, state, and/or national and international officials:

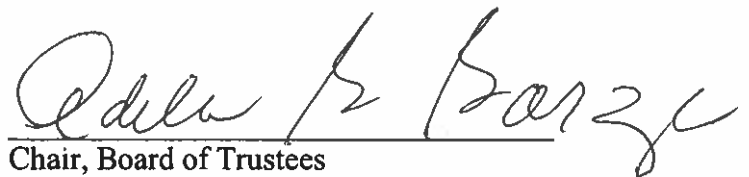
- (1) The authority to act in the place of the Board under Board Policy DEA (LEGAL) & DEA (LOCAL) Compensation and Benefits , and all related Procedures, and thus make all decisions regarding the payment of employees during altered operations and/or a college closure, to implement the provisions of Board Policy DEA (LEGAL) & DEA (LOCAL) Compensation & Benefits and all related Procedures, and to make determinations regarding the purpose and parameters of any such payments;
- (2) The authority to make decisions regarding the compensation, if any, of full-time and part-time employees, both exempt and non-exempt, who may be required to report to work or work remotely during altered operations and/or a college closure and to implement those decisions;
- (3) The authority to determine work days and hours, if any, for all employees during altered operations and/or a college closure;
- (4) The authority to implement an educational program for students during altered operations and/or a college closure;
- (5) The authority to postpone, suspend, or cancel regular Board meetings during altered operations and/or a college closure in the interest of health and safety after consultation with the Board President;

**CERTIFICATE FOR RESOLUTION**

I hereby certify that the foregoing resolution was presented to the Board of Trustees of Texas Southmost College during a special called meeting March 24<sup>th</sup>, 2020, a quorum of the Board of Trustees being then present, it was then duly moved and seconded that the resolution be adopted, and such resolution was then adopted according to the following vote:

Ayes:   7    
Nays:         
Abstentions:       

To certify which, witness my hand and the official seal of the District this 24<sup>th</sup> day of March, 2020.

  
Chair, Board of Trustees

ATTEST:

  
Secretary, Board of Trustees