



# TRINITY VALLEY COMMUNITY COLLEGE

## Board of Trustees Manual





**TRINITY VALLEY™**  
*CARDINALS*

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### **Vision**

Trinity Valley Community College will be a leader in providing quality education, innovation programs, and purpose for our students, employees, and communities.

### **Mission**

Transforming lives through affordable and accessible education.

### **Statement of Ethics- (BBBB-Local)**

As a member of the Board, I will strive to improve community college education, and to that end, I shall adhere to all state and federal laws, College District policies, and the following ethical standards:

- Attend all regularly scheduled Board meetings insofar as possible and become informed concerning issues to be considered at those meetings.
- Bring about desired changes through legal and ethical procedures, upholding and enforcing all applicable statutes, regulations, and court decisions pertaining to community colleges.
- Work with other Board members to establish effective Board policies and to delegate authority for the administration of the College District to the College President.
- Establish and adhere to policies and practices prohibiting unlawful discrimination, including harassment on the basis of sex, gender, race, color, national origin, religion, age, disability, or any other basis prohibited by law.
- Recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings.
- Render all decisions based on the available facts and my independent judgment and refuse to surrender that judgment to individuals or special interest groups.
- Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community.
- Communicate to other Board members and the College President expressions of public reaction to Board policies and College District programs.
- Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the Texas Association of Community Colleges, the American Association of Community Colleges, and the Association of Community College Trustees.
- Support the employment of those persons best qualified to serve as College District staff and insist on a regular and impartial evaluation of all staff.
- Avoid being placed in a position of conflict of interest, and refrain from using my Board position for personal or partisan gain.
- Take no private action that will compromise the Board or administration and respect the confidentiality of information that is privileged under applicable law.
- Remember always that my first and greatest concern must be the educational welfare of the students attending the College District.

### **Duties of the Board- (BAA-Local)**

The Board of Trustees is the legal body with specific authority over the institution. They are responsible for ensuring that the college is an integral part of the communities and serves their ever-changing needs. The Board is not controlled by a minority of board members or organizations or institutions separate from it. The Board is accountable to the communities for the

performance and welfare of the college they govern and is not presided over by the Chief Executive Officer of the college.

The chief duty of the Board shall be to represent the district's constituency and provide for the progress and welfare of the district. In addition to the legally required and/or allowed powers and duties, the Board shall:

- Act as the official policymaking body of the district; upon recommendation of the College President, adopt policies that govern the district's organization and operation.
- Act as a deliberating and reviewing body sitting in judgment upon recommendations that may come to it through its executive officers or members.
- Employ an independent auditor who shall be directly responsible to the Board but shall work through the College President.
- Approve the recommendations of the College President for capital outlay and approve the means of financing same.
- Select the College President and hire personnel upon recommendation of the College President
- Pass upon architectural plans for buildings that have been authorized after approval by the College President.
- Present needs of the district and give active support to them before the public and press.
- Comply with all legal requirements placed upon it and the district by the state legislature, the coordinating board, and other legal authorities.

### **Responsibilities of Board- (BAA Legal)**

The chief responsibility of the Board of Trustees is to represent its constituency and provide leadership to achieve the mission of the College. As stewards of the college, the Board of Trustees advances the mission of the college through policy. Individual Trustees have specific responsibilities to contribute to the effective function of the Board of Trustees as a whole.

The governing board's responsibilities include the following:

- Shall preserve institutional independence and defend its right to manage its affairs through its chosen administrators and employees.
- Shall enhance the public image of each institution under its governance.
- Shall interpret the community to the campus and interpret the campus to the community.
- Shall nurture each institution under its governance to ensure that each institution achieves its full potential within its role and mission.
- Shall insist on clarity of focus and mission of each institution under its governance.

### **Legal Powers of Board- (BAA Legal)**

State statute assigns specific powers and duties to a college district board of trustees. Examples of these powers and duties are described below.

### **Governance**

The governing board of an institution of higher education shall provide the policy direction for each institution of higher education under its management and control. Said board shall act and proceed by and through resolutions or orders adopted or passed by the board and the affirmative vote of a majority of all members of the board shall be required to adopt or pass a resolution or order, and the board shall adopt such rules, regulations, and bylaws as it deems advisable, not inconsistent with this section.

### **Establish Goals**

Each governing board shall establish, for each institution under its control and management, goals consistent with the role and mission of the institution.

### **Taxes and Bonds**

The governing board annually shall cause the taxable property in its district to be assessed for ad valorem taxation and the ad valorem taxes in the district to be collected, in accordance with any one of the methods set forth in Education Code 130.121, and any method adopted shall remain in effect until changed by the board.

The governing board shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings and the purchase of the necessary sites, therefore, and levy and pledge annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same comes due, and to levy annual ad valorem taxes for the further maintenance of its public junior college or junior colleges.

### **Tuition and Fees**

The governing board may set and collect with respect to a public junior college in the district any amount of tuition, rentals, rates, charges, or fees the board considers necessary for the efficient operation of the college district, except that a tuition rate set under this provision must satisfy the requirements of Education Code 54.051(n). The governing board may select a different tuition rate for each program, course, or course level offered by the college, including a program, course, or course level to which a provision of Section 54.051 applies, as the governing board considers appropriate to reflect course costs or to promote efficiency or another rational purpose.

### **Management of College District Funds**

Each governing board member has the legal responsibilities of a fiduciary in the management of funds under the control of institutions subject to the board's control and management.

### **Annual Budget**

The governing board of each institution shall approve an itemized current operating budget on or before September 1 of each year.

### **Annual Audit**

The board must have the accounts of the college district audited in accordance with the approved financial reporting system.

**Endowment Fund**

The board of trustees may establish an endowment fund outside the state treasury in a depository selected by the board of trustees.

**Depository**

The governing board of each institution may select one or more depositories as places of deposit for the funds enumerated.

**Elections**

Each election shall be called by resolution or order of the board.

**Eminent Domain**

By the exercise of the right of eminent domain, a board may acquire the fee simple title to real property on which to construct school buildings or for any other public use necessary for the district.

**Appoint and Evaluate Chief Executive Officer**

Each governing board shall appoint the president or other chief executive officer of each institution under the board's control and management , evaluate the chief executive officer of each component institution, and assist the officer in achieving performance goals.

**Employment of Personnel**

The board shall be authorized to appoint or employ such agents, employees, and officials as deemed necessary or advisable to carry out any power, duty, or function of the said board; and to employ a dean or other administrative officer, and upon the president's recommendation to employ faculty and other employees of the College District.

**Rentals, Rates, and Charges**

Each board shall be authorized to fix and collect rentals, rates charges, and fees, including student union fees, from students and others for the occupancy, use, and availability of all or any of its property, buildings, structures, activities, operations, or facilities, of any nature, in such amounts and such manner as may be determined by such board.

**Real Property**

The governing body of a governmental agency may execute, perform, and make payments under a contract under the Public Property Finance Act for the use or purchase or other acquisition of real property or an improvement to real property.

**Personal Property**

The governing body of a governmental agency may execute, perform, and make payments under a contract with any person for the use or the purchase or other acquisition of any personal property or the financing thereof.

## **Lawsuits**

The board may sue and be sued.

## **Settlements**

A governmental unit may not enter into a settlement of a claim or action against the governmental unit in which:

- The amount of the settlement is equal to or greater than \$30,000;
- The money that would be used to pay the settlement is derived from taxes collected by a governmental unit; received from the state, or insurance proceeds received from an insurance policy for which the premium was paid with taxes collected by a governmental unit or money received from the state; and
- A condition of the settlement requires a party seeking affirmative relief against the governmental unit to agree not to disclose any fact, allegation, evidence, or other matter to any other person, including a journalist or other member of the media.
- A settlement agreement provision entered into in violation of the provisions above is void and unenforceable.

## **Communicate with Coordinating Board**

Each governing board shall ensure that its formal position on matters of importance to the institutions under its governance is made clear to the Coordinating Board when such matters are under consideration by the Coordinating Board.

## **Student Admissions**

Each governing board shall set campus admission standards consistent with the role and mission of the institution and consider admission standards of similar institutions nationwide having a similar role and mission, as determined by the Coordinating Board.

## **Eligibility/Qualifications- (BAA) Legal**

To be eligible to be a candidate for, or elected or appointed to, an elective public office in this state, including a college district board member, a person must:

- 1) Be a United States citizen.
- 2) Be 18 years of age or older on the first day of the term to be filled at the election or on the appointment date, as applicable.
- 3) Have not been determined by a final judgment of a court exercising probate jurisdiction to be:
  - a. Totally mentally incapacitated; or
  - b. Partially mentally incapacitated without the right to vote.
- 4) Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities.
- 5) Have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:



- a. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
  - b. For a write-in candidate, the date of the election at which the candidate's name is written in.
  - c. For an appointee to an office, the date the appointment is made.
- 6) On the date described by item 5, be registered to vote in the territory from which the office is elected.
  - 7) A candidate for trustee representing a single-member district must be a resident of the trustee district the candidate seeks to represent. A trustee vacates the office if the trustee ceases to reside in the trustee district the trustee represents.
  - 8) Each member of the board shall take the proper oath of office before taking up the duties of office.
  - 9) Each member will serve without compensation or emolument of office. Still, they shall be entitled to reimbursement for their actual expenses incurred in performing their duties to the extent authorized and permitted by the board.
  - 10) A Trustee vacates the office if they cease to reside in the Trustee district they represent.

## **Board Training- BBD- (Local) BBD (Legal)**

### **THECB Intensive Short Course (New Member)**

Before voting on a budgetary or personnel matter, each governing board member who holds an appointive position must complete an intensive short orientation course that includes best practices and transparency in trusteeship and governance.

#### **Satisfied by:**

The THECB offers an online course for newly appointed governing board members that satisfies this legal requirement. Instructions for completing the short course are located at <http://www.highered.texas.gov/OnlineTraning-IntensiveShortCourse>.

### **Open Meeting Act Training (New Member)**

The Open Meeting Act (Texas Government Code, Section 551.005) and the Public Information Act (Texas Government Code, Section 552.012) specify mandatory open government education requirements for elected and appointed officials who are subject to these laws. Each elected or appointed public official who is subject to these laws must complete a course of training regarding the responsibilities of the governmental body and its members under these laws not later than the 90th day after the date the member takes the oath of office or otherwise assumes responsibilities as a member of the governmental body. The training must include instruction in: the general background of the legal requirements for open meetings; the applicability to governmental bodies; procedures and requirements regarding quorums, notice, and record-keeping; procedures and

requirements for holding an open meeting and for holding a closed meeting; and penalties and other consequences for failure to comply.

**Satisfied by:**

The Office of the Attorney General offers free online video training courses that satisfy this legal requirement. This course must be completed within 90 days from the date of the appointment. Please see information at <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/pia-and-oma-training-resources/open-meetings-act-training>. Questions regarding this requirement or training options should be directed to the legal counsel of the institution for which the regent or trustee serves as a board member, or to the Office of the Attorney General at (800) 252-8011.

**Texas Higher Education Board Training Program (New Member)**

During the member's first year of service as a member of a governing board, each governing board member must attend a training program described by Section 61.084 of the Texas Education Code. The training program includes a seminar held annually in Austin conducted by the staff of the THECB and other invited speakers.

The content of the instruction in the training program is focused on the official role and duties of the governing board members and provides training in the areas of budgeting, policy development, and governance. Topics covered by the training program include auditing procedures and recent audits of institutions of higher education; the enabling legislation that creates institutions of higher education; the role of the governing board at institutions of higher education, and the relationship between the governing board and an institution's administration, faculty and staff, and students; the mission statements of institutions of higher education; disciplinary and investigative authority of the governing board; the requirements of the open meetings law, Chapter 551, Government Code, and the open records law, Chapter 552, Government Code; the requirements of conflict of interest laws and other laws relating to public officials; any applicable ethics policies adopted by institutions of higher education or the Texas Ethics Commission; and other topics relating to higher education the THECB considers significant to the role of governing board members.

In addition to the content of the instruction at a training program as described above, topics covered by the training program for members of a governing board of a public junior college district must also include information about best practices in campus financial management, financial ratio analysis, and case studies using financial indicators.

**Satisfied by:**

The THECB presents an orientation seminar for newly appointed regents and elected trustees that satisfies this legal requirement. This orientation must be completed within one year from the date of the appointment. The day-long orientation is offered annually in the fall as part of the THECB's annual Higher Education Leadership Conference. The Coordinating Board shall provide an equivalent training program by electronic means in the

event a member of a governing board is unable to attend the required training program. Completing the training program by electronic means is deemed to satisfy the training requirements. For additional information about online training, please go to:

<https://www.highered.texas.gov/institutional-resources-programs/governing-board-member-training/online-training-for-all-regents-trustees/>

#### Investment Training; State Agency Board Members and Officers

The Public Funds Investment Act (Texas Government Code, Section 2256) specifies mandatory investment training requirements for elected and appointed officials subject to this law. Each member of the governing board of a state agency and its investment officer must attend at least one training session relating to the person's investment responsibilities within six months after taking office or assuming duties. An investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from any independent source approved by the governing body of the state agency. The training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with Chapter 2256 of the Texas Government Code.

##### **Satisfied by:**

The University of North Texas, Center for Public Management, offers the video "Protecting Public Funds: The Responsibilities of Governing Boards under the Public Funds Investment Act" for an order that satisfies this legal requirement. This course must be completed within six months from the date of the appointment. Please see the information at <http://cpm.hps.unt.edu/investment-training-video>. Questions regarding this requirement or training options should be directed to the institution's legal counsel for which the regent or trustee serves as a board member or to the University of North Texas, Center for Public Management at (940) 369-7843.

#### Cybersecurity Training (All Board Members)

At least once each year, each elected or appointed officer of a state agency, including a college district, shall complete a cybersecurity training program certified under Government Code 2054.519. [See also DK] *Gov't Code 2054.5191(a), (c). For more information on cybersecurity training provided by the TVCC Information Technology Department, please go to:* <https://www.tvcc.edu/IT-Services/article.aspx?a=5368&z=1367&d=148>.

#### TVCC Orientation (New Board Member)

The Board and the College President shall provide an orientation for new Board members within the calendar year of their election to assist them in understanding the Board's function, policies, and procedures.

The new board member orientation may include but is not limited to the following:

- 1) Meeting and Orientation

- a) President
  - b) Board Liaison
  - c) VP- Student Services
  - d) VP- Administrative Services/CFO
  - e) VP- Instruction
  - f) VP- Information Technology
  - g) HR Director
  - h) Campus AVPs
- 2) Discussion and training on the following topics
- a) How the trustees operate in a community college atmosphere
  - b) Community College Boards
  - c) The Board and the community
  - d) The Board and the CEO
  - e) The Board and its policy role
  - f) Board policy and the college
  - g) The Board and its monitoring role
  - h) Enhancing Board effectiveness
- 3) Tour Campuses at Athens, Palestine, Kaufman, Terrell, TDCJ

#### Annual Board Training Plan (All Board Members)

The College President will work with the Board to develop and implement an annual plan to address the training needs of the Board. The board of trustees will have at least one workshop annually with an agenda jointly determined by the board and the college president to discuss the institutional goals.

#### **Prohibited Conduct- BBFB (Legal)**

##### 1) Illegal Gifts

A person commits an offense if the person intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another:

- Any benefit as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant;
- Any benefit as consideration for the recipient's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding;
- Any benefit as consideration for a violation of a duty imposed by law on a public servant;

- Any benefit that is a political contribution as defined by Election Code Title 15 or that is an expenditure made and reported in accordance with Government Code Chapter 305 if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit.
- “Benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest. *Penal Code 36.01(3)*

## 2) Illegal Gifts

A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if the public servant solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion. *Penal Code 36.08(d)*

Board of Trustees shall not accept or solicit any gift, favor, service or benefit that the Trustee should reasonably know is offered with the intent to influence their decisions or actions. Likewise, the Trustee may not solicit, accept, or agree to accept any unauthorized gifts, services, or other benefits from having exercised the powers and responsibilities of their official positions.

For additional information regarding acceptance of gifts, please go to BBFB Legal at <https://pol.tasb.org/Policy/Code/623?filter=BBFB>

## 3) Honoria and Expenses

A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant’s official position or duties. This restriction does not prohibit a public servant from accepting transportation and lodging expenses in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory, or from accepting meals in connection with such an event.)

## 4) Abuse of Office

A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, the public servant intentionally or knowingly violates a law relating to the public servant’s office or misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant’s custody or possession by virtue of the public servant’s office or employment. *Penal Code 39.02(a)*

“Law relating to a public servant's office” means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. *Penal Code 39.01(1)*

“Misuse” means to deal with property contrary to:

- An agreement under which the public servant holds the property;
- An oath of office of a public servant;
- A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or
- A limited purpose for which the property is delivered or received.

#### 5) Misuse of Public Information

A public servant commits an offense if, in reliance on information to which the public servant has access by virtue of the person's office and that has not been made public, the person:

- Acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information.
- Speculates or aids another to speculate on the basis of the information; or
- As a public servant, including as a school administrator, coerces another into suppressing or failing to report that information to a law enforcement agency.
- A public servant commits an offense if with intent to obtain a benefit or with intent to harm or defraud another, the public servant discloses or uses information for a nongovernmental purpose that the public servant has access to by means of his office or employment and has not been made public.
- "Information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under Government Code Chapter 552.

#### 6) Official Oppression

A public servant acting under color of his office or employment commits an offense if the public servant:

- Intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;
- Intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or
- Intentionally subjects another to sexual harassment.

For purposes of this section, a public servant acts under color of the public servant's office or employment if he acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.

#### 7) Nepotism

- A public official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds or fees of office if:
- The individual is related to the public official within the third degree by consanguinity or within the second degree by affinity; or
- The public official holds the appointment or confirmation authority as a member of a local board, and the individual is related to another member of the board within the third degree by consanguinity or within the second degree by affinity.
- The nepotism law governs the hiring of an individual, whether the individual is hired as an employee or an independent contractor. *Atty. Gen. Op. DM-76 (1992)*
- A public official may not approve an account or draw or authorize the drawing of a warrant or order to pay the compensation of an ineligible individual if the official knows the individual is ineligible. *Gov't Code 573.083*
- A board member who has delegated to a college president final authority for personnel selection remains subject to the nepotism provisions. *Atty. Gen. Op. GA-415 (2006)*

#### 8) Conflict of Interest

If a local public official, such as a member of a college district board of trustees, has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

- In the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
- In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The affidavit must be filed with the official record-keeper of the governmental entity.

An institution of higher education, including a college district, is not prohibited from entering into a contract or other transaction with a business entity in which a member of the governing board of the institution of higher education has an interest if the interest is not a substantial interest or, if the interest is a substantial interest, the board member discloses that interest in a meeting held in compliance with Government Code Chapter 551 and refrains from voting on the contract or transaction requiring board approval. Any such contract or transaction requiring board approval must be approved by an affirmative majority of the board members voting on the contract or transaction.

For additional information, please go to BBFA(LEGAL) at <https://pol.tasb.org/Policy/Code/623?filter=BBFA>.

#### 9) Nonattendance

Nonattendance of board meetings occurs if the member(s) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year, not counting an absence for which the member is excused by a majority vote of the board.

### **Organization, Meetings, Agenda- BD (Local) BD (Legal)**

#### 1) Board Organization

TVCC consist of a nine-member Board representing nine geographical districts and serving staggered six-year terms. A majority of the Board, five members of a nine-member Board, regardless of the number vacancies, constitutes a quorum for meeting of the Board.

#### 2) Board Meetings

Regular Board meetings are normally held in the TVCC Board Room on the 2<sup>nd</sup> floor of the Orval Pirtle Administration Building on the Athens Campus at 7:30 PM on the fourth Monday of each month. The time and date of regular board meetings may change at the discretion of the Board. A Board dinner is normally held prior to the board meeting at 6:30 PM. The dinner is a time-honored tradition at TVCC and is a time for the Board to meet in fellowship with each other and members of the college administration. It is a time to build better working relationships that lead to a collegial working environment. As per the Texas Open Meetings Laws, no items on the board meeting agenda will be discussed.

Notice of the date, hour, place and subject of each regular meeting of the Board shall be given as follows:

- Notice shall be posted in a prominent place at Orval Pirtle Administration Building on the Athens Campus at least 72 hours before the regularly scheduled meeting.
- An announcement shall be provided to the general public through posting on



the Trinity Valley Community College website at [www.tvcc.edu](http://www.tvcc.edu).

- Meetings of the Board shall be open to the public as prescribed by law.

### 3) Board Agenda

The official agenda is prepared by the College President. Any Trustee may request to the Board President or College President any item they wish to have considered for placement on the agenda. Notification must be made in writing through correspondence or email at least five days prior to the meeting. The President may work with the Trustee proposing the item to clarify the item and to ensure the item complies with applicable laws.

The Board President shall ensure that any topics the Board or individual Trustees have requested are either on the meeting agenda or no later than the next regularly scheduled Board meeting.

The official agenda and supporting documentation will be distributed to Board members prior to the meeting. All action items and ancillary material will be provide by mail and posted to the TVCC Board portal with ample time to consider decisions and ask questions.

The Board President may call a special or emergency meeting when it is determined by the Board President or two members of the Board that an emergency or urgent public necessity, as defined by law, warrants the meeting.

The Board shall observe the parliamentary procedures as found in *Robert's Rules of Order, Newly Revised*, except as otherwise provided in Board procedural rules or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present.

### 4) Public Comments at Board Meeting- BCB (Legal)

Audience participation at a Board meeting is limited to the portion of the meeting designated to receive public comment in accordance with this policy. At all other times during a Board meeting, the audience shall not enter into discussion or debate on matters being considered by the Board, unless requested by the presiding officer.

At regular Board meetings, the Board shall permit public comment, regardless of whether the topic is an item on the agenda posted with notice of the meeting. Public comment shall occur at the beginning of the meeting.

Except as permitted by this policy and the Board's procedures, an individual's comments to the Board shall not exceed five minutes per meeting.

When necessary for effective meeting management or to accommodate large numbers of individuals wishing to address the Board, the presiding officer may make adjustments to public comment procedures, including:

- Adjusting when public comment will occur during the meeting;
- Reordering agenda items;
- Deferring public comment on non-agenda items; and
- Continuing agenda items to a later meeting.

However, public comment on agenda items shall not be moved after the agenda items have been heard. The presiding officer may also provide expanded opportunity for public comment, establish an overall time limit for public comment, and adjust the time allotted to each speaker. However, no individual shall be given less than one minute to make comments.

Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board shall not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting.

The Board shall not tolerate disruption of the meeting by members of the audience. If, after at least one warning from the presiding officer, any individual continues to disrupt the meeting by his or her words or actions, the presiding officer may request assistance from law enforcement officials to have the individual removed from the meeting.

#### 5) Closed Meeting- BDA (Legal)

Exceptions for closed meetings include the following:

- (1) Consult Attorney- A governmental body may not conduct a private consultation with its attorney except when the governmental body seeks the advice of its attorney about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Government Code Chapter 551. [See BD for permissible methods of communication for attorney consultations] *Gov't Code 551.071*
- (2) Real Property- A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person. *Gov't Code 551.072*
- (3) Prospective Gift- A governmental body may conduct a closed meeting to deliberate a negotiated contract for a prospective gift or donation to the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person. *Gov't Code 551.073*

- (4) Public Officer or Employee Matter- Chapter 551 does not require a governmental body to conduct an open meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee. This exception does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing. *Gov't Code 551.074*. The closed meeting exception for personnel matters does not apply when the governmental body discusses an independent contractor who is not a college district employee, such as an engineering, architectural, or consultant firm, or when the governmental body discusses a class or group of employees, not a particular employee. *Atty. Gen. Op. MW-129 (1980), Atty. Gen. Op. H-496 (1975)*
- (5) Employee-Employee Complaint- A school board is not required to conduct an open meeting to deliberate in a case in which a complaint or charge is brought against an employee of the school district by another employee and the complaint or charge directly results in the need for a hearing. The exception does not apply if an open hearing is requested in writing by the employee against whom the complaint or charge is brought. *Gov't Code 551.082; Att'y Gen. Op. JM-340 (1985) [a college district board of trustees is considered a school district board of trustees for the purposes of the Open Meetings Act (OMA)]*
- (6) Student Discipline- A school board is not required to conduct an open meeting to deliberate in a case involving discipline of a public school child. The exception does not apply if an open hearing is requested in writing by a parent or guardian of the child. *Gov't Code 551.082; Att'y Gen. Op. JM-340 (1985) [a college district board of trustees is considered a school district board of trustees for purposes of the OMA]*

If a closed meeting is allowed, the governmental body may not conduct the closed meeting unless a quorum of the governmental body first convenes in an open meeting for which notice has been given as provided by Government Code Chapter 551 [see BD] and during which the presiding officer publicly announces that a closed meeting will be held and identifies the section or sections of Chapter 551 under which the closed meeting is held. *Gov't Code 551.101*

A final action, decision, or vote on a matter deliberated in a closed meeting under Government Code Chapter 551 may only be made in an open meeting that is held in compliance with the notice provisions of Chapter 551. [See BD] *Gov't Code 551.102*

### **Resignation and Board Replacement BBC (Legal)**

To be effective, a public officer's resignation or an officer-elect's declination must be in writing and signed by the officer or officer-elect and delivered to the appropriate authority, the college district board of trustees, for acting on the resignation or declination. The resignation or declination may be delivered to the presiding officer of the body or to its clerk or secretary. The authority may not refuse to accept a resignation.

Except as provided in Education Code 130.0822(l), in single-member districts, any vacancy on the board shall be filled by appointment made by the remaining members of the board. The appointed person serves for the unexpired term.

### **Board Committees- BCB (Legal)**

A committee that includes less than a quorum of board members is not subject to the Open Meeting Act if it serves a purely advisory function, with no power to supervise or control public business. However, should the committee actually function as something more than a merely advisory body with the result that it in fact supervises or controls public business or policy, it must comply with the OMA to avoid depriving the public of access to the board's actual decision-making process. (For instance, if the Committee is authorized to finalize a contract for the Board).

**\*\*Board members will serve on at least one committee consisting of a Budget Committee, Facilities Committee, and the Strategic Planning Committee and/or special board committees. Committee meetings will meet on an as needed basis.**

### **College ID/Parking Permits**

All Trustees will be given a college ID card and a college parking permit. These are maintained through the TVCC Police Department.

### **Compensation and Expenses BBG (Legal) BBH (Local)**

Board members may attend regional, state, or national conventions, conferences, and workshops. Reimbursement for reasonable travel expenses for attendance at such conventions, conferences, and workshops shall be made by the College District when attendance is authorized and deemed by the Board to be necessary or desirable in carrying out the educational functions of the College District.

#### **1) Mileage Reimbursement**

Trustees shall be reimbursed for attending meetings/events by personal automobile at the state approved rate. Trustees are encouraged to submit a "Reimbursement Worksheet" form on a regular basis (period: not to exceed 60 days). The Executive Assistant to the President has the forms and processes your completed forms.

#### **2) Travel Reimbursement**

Members of a board shall not receive any remuneration or emolument of office, but they shall be entitled to reimbursement for their actual expenses incurred in performing their duties, to the extent authorized and permitted by the board. Education Code 130.082(d)

## **Invitations to College Events**

Trustees will be provided free passes to attend all college special events. The College President will inform the Trustees of any special college events and activities. Trustees are encouraged to attend at least one graduation ceremony in the spring, summer and fall semesters.

## **Trustee Communication BBE (Local)**

If employees, students, or citizens bring a concern or complaint to an individual Board member, he or she shall refer them to the College President, who shall proceed according to appropriate Board policy. [See DGBA, FLD, and GB]

Upon being contacted by the media, advise and consult with the Board of Trustees President, College President, TVCC Public Information Officer for an informed and accurate response.

## **TVCC Board Website**

The Board website can be found at: <https://www.tvcc.edu/board-of-trustees/?d=270> Trustee Information, Trustee Organization and By-Laws, Election Information, Regular Meeting Dates, Meeting Agenda, and Meeting Minutes can be found on the website.

## **TASB Online Legal and Local Board Policy**

The TVCC Board Policy Manual with a complete compilation of TASB approved Legal and Local TVCC Board policies on the TVCC Board of Trustee website at <https://pol.tasb.org/Home/Index/623>.