

**MINUTES
BOARD OF TRUSTEES OF BLINN COLLEGE**

**Board Room
Third Floor, Administration Building
Blinn College, 802 Green Street
Brenham, Texas**

Special Meeting, Tuesday, April 7, 2015, 6:30 p.m.

The Board of Trustees convened at 6:30 p.m. in the Board Room with the following members present: Mr. Douglas R. Borchardt, President, presiding; Mr. David Sommer, Secretary; Mrs. Theodora “Teddy” V. Boehm; Mrs. Carolyn D. Miller, CPA; Mr. Richard Powell and Mr. Leon B. Toubin.

Board members not present: Mr. Atwood Kenjura, Vice President, joined the group during Closed Session.

Members of the College staff in attendance were: Dr. Ana M. Guzmán, Interim District President; Dr. Sylvia McMullen, President, Brazos County Campuses; Ms. Kelli Shomaker, Senior Vice President, Finance and Administrative Services/CFO; Dr. Dennis Crowson, Senior Vice President, Student Services; Ms. Cathy Boeker, Associate Vice President, Government & Public Affairs; Mr. Joe Baumann; Mr. Rich Bray; Ms. Karen Buck; Dr. Marcelo Bussiki; Ms. Barbara Corbisier; Ms. Karen Dahmann; Mr. Joseph Engle; Ms. Annette Ferguson; Ms. M. Elia Flores; Ms. Mary Lange; Ms. Angela Lawrenz; Ms. Michelle Marburger; Ms. Michelle McGehee; Ms. Joyce Pelkemeyer; Ms. Dagmar Poteet; Ms. Susan Slowey; Mr. Jeff Tilley and Ms. Debbi Vavra.

Also registered as in attendance were: Mr. Kevin Clement; Mr. Ray and Mrs. Cherry Daugberg; Mr. Herb Foelber; Ms. Debbie Goss; Mr. Ken Miller; Ms. Sharon Miller and Ms. Jean Phelps; Mr. Patrick Crank, Brenham Banner-Press; Mr. Bill Oliver, WTAW; Mr. Sam Peshek, The Eagle and Ms. Mary Janet Reyes, KWHI.

ITEM 1. CALL MEETING TO ORDER

The meeting was called to order by Mr. Borchardt.

**ITEM 2. DISCUSSION AND POSSIBLE ACTION RELATED TO H.B. 1903
RELATED TO FUND DISTRIBUTION**

Mrs. Miller, reviewed a timeline of events related to HB 1903 discussion (a copy of the presentation is attached and made a part of these *Minutes*).

Mr. Borchardt opened the floor for comment.

Mr. Toubin feels that the proposed modifications will provide the additional time needed and sees no reason not to support the compromise.

Mr. Powell expressed his opposition to the modifications. He feels that HB 1903 provides no return on investment for the taxpayers of Washington County. He discussed the Education Code requirement that the Board manage their own affairs and feels the Board has done a good job. He feels that Brazos County citizens should vote to pay taxes so that they not continue to receive the benefit for free. He opposes any compromise.

Mrs. Teddy Boehm stated that she recognizes the need to change operations in Brenham to make the Brenham campus self-supporting. She is concerned about the bill but is not sure there is much alternative.

Mr. Toubin feels we need to move forward and work with the modifications to HB 1903. He feels the legislature will need to address colleges around the State with large campuses outside of taxing districts.

Mr. Sommer is concerned about the modifications but is more concerned about the possibility of HB 1903 passing as is.

Mr. Borchardt read prepared remarks. He thanked everyone for their hard work. He reviewed six points of opposition listed below.

"Before offering my comments, I want everyone to know that I am very proud of each and every person who has tirelessly contributed their time and efforts to working on this issue.

Since I first read HB1903, HB2621, and HB-1 Rider 2, I have struggled with how I would react to those bills when the time arrived to do so. While the only item for discussion, and possible action tonight, is related to HB1903, I believe what I'm about to share with you is fundamentally true about each of these bills.

I want to start out by stating 6 facts that have formed a basis for my position on HB1903.

Fact #1 - I was elected by Washington County Taxpayers to serve as a Blinn College Board of Trustee and took an oath that I would, to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State.

Fact #2 - Article 3, Section 56 of the State Constitution provides that "The Legislature" shall not, except as otherwise provided in the Constitution, pass any local or special law, authorizing: Regulating the affairs of counties, cities, towns, wards or school districts; Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes. I believe this bill conflicts with this Article and Section of our State Constitution as a local or special law and therefore prohibited.

Fact #3 - Article 3, Section 57 of the State Constitution provides that "no local or special law shall be passed, unless notice of the intention to apply therefore shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the Legislature of such bill and in the manner to be provided by law. The evidence of such notice having been published, shall be exhibited in the Legislature, before such act shall be passed." Due to my belief that this is a local or special law, I have not found that the provisions of Article 3, Section 57 were adhered to.

Fact #4 - The Texas Education Code Section 51.352(a) states that a board "is expected to preserve institutional independence and to defend its right to manage its own affairs through its chosen administrators and employees". This bill clearly attempts to mandate how the Board manages the College District's fiscal resources.

Fact #5 - The Texas Education Code Section 51.352(e) states that a board has the legal power and duty to "Act as a fiduciary in the management of funds under the control of institutions subject to the Board's control and management". This bill has the potential to place severe limitations on the Board's control over the institution's resources.

Fact #6 - The Texas Education Code Section 130.084 gives a board the legal duty and power to "Set and collect any amount of tuition, rentals, rates, charges, or fees the Board considers necessary for the efficient operations of the College District, except that a tuition rate set under this subsection must satisfy the requirements of Section 54.051(n)". This Bill would impose mandates on how the board spends the very revenue source we have a legal duty and power to set.

With those facts stated I think it is important to discuss what Blinn College has provided to Brazos County beginning in 1970 when Blinn was invited by the Bryan and College Station ISDs and Texas A&M to open a campus after failed efforts to form their own community college. For over 44 years we have provided many student success stories to the Brazos County Community and yes we had recently fallen behind on our plans to enhance the educational environment there. However in the spring of 2013, Blinn College unveiled an aggressive 3 phase master plan designed to significantly grow and enhance our presence in the Brazos Valley. Today we are deep into a plan which will be rooted in a new campus on a 95 acre tract of recently acquired land. Since unveiling the master plan in the spring of 2013, we have invested over \$14,500,000 to benefit the many students on our Brazos Valley Campuses, with much more to come.

It is because of all I have mentioned that I find myself saying NO to supporting a compromise that has the potential for many unforeseen consequences; singles out Blinn College and forces Blinn College to handle its financial matters pursuant to legislative over site.

Why is legislation needed when we have demonstrated by our actions that we are addressing the very concerns that have been voiced as the reason for needing the bills"?

A motion was made by Mrs. Miller, seconded by Mr. Toubin, to approve the recommended modifications related to HB 1903. Mrs. Miller, Mr. Toubin and Mr. Sommer voted in favor of the modifications to HB 1903 and Mr. Borchardt, Mr. Powell and Mrs. Boehm voted against the modifications to HB 1903. Motion failed without a majority.

ITEM 3. RECESS FOR CLOSED SESSION (AS AUTHORIZED BY *GOV'T. CODE, SEC. 551.101*)

The public was recessed for break at 6:58 p.m.

The public was recessed for closed session at 7:04 p.m.

CLOSED SESSION:**ITEM 4. CLOSED SESSION:****(A) REAL PROPERTY (*GOV'T. CODE*, SEC. 551.072)**

- i. DISCUSSION OF POSSIBLE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY FOR THE BRENHAM, BRYAN, SCHULENBURG AND SEALY CAMPUSES**

(B) PERSONNEL MATTERS (*GOV'T. CODE*, SEC. 551.074)

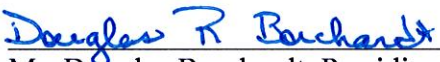
- i. DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF PUBLIC EMPLOYEES OR OFFICERS**

ITEM 5. RECONVENE PUBLIC SESSION

The public session was reconvened at 8:44 p.m.

ITEM 6. ADJOURNMENT

On a motion by Mrs. Boehm, seconded by Mr. Sommer, the Board meeting was adjourned at 8:45 p.m.



Mr. Douglas Borchardt, Presiding
President



Mr. David Sommer
Secretary