

**TEXAS STATE TECHNICAL COLLEGE SYSTEM
SYSTEM OPERATING STANDARD**

No. GA.1.1	Page 1 of 58	Effective Date: 7/6/04
DIVISION:	General Administration	
SUBJECT:	Board of Regents Organization and Operation	
AUTHORITY:	Minute Order #61-79 and <i>Vernon's Texas Codes Annotated</i>, Volume 3, Education Code, Subchapters B. and C., Sections 135.21 - 135.61	
PROPOSED BY:	<i>Original Signed by Lillian Macik</i>	
TITLE:	Secretary, Board of Regents	Date: 07/06/04
RECOMMENDED BY:	<i>Original Signed by Bill Segura</i>	
TITLE:	Chancellor	Date: 07/06/04
APPROVED BY:	<i>Original Signed by Bill Segura</i>	
TITLE:	Chancellor	Date: 07/06/04

STATUS: Revised 7/04

HISTORICAL STATUS: Approved by MC 07/21/94
 Revised 06/15/94
 Approved by MO 61-79, 06/25/79
 13/EVP/76-7 dated September 7, 1976

POLICY

Materials to be presented, either as information to or for action by the Board of Regents, are prepared by authorized personnel and submitted to the Chancellor with the request they be presented for Board approval. The Chancellor is the only person authorized to present matters of college business or information to the Board of Regents. This restriction, however, is not to be construed in any way as to restrict the right of any person from appearing as an interested citizen at a Board meeting to present any matter they feel compelled to express.

PERTINENT INFORMATION

Responsibilities and Authority of the Board of Regents

The Board of Regents is specifically charged by statute with the responsibility for prescribing and

awarding certificates, diplomas, and associate degrees; collecting tuition and registration fees; exempting certain non-resident fees; contracting to provide educational programs; suing and being sued in the name of TSTC; leasing, selling, transferring or exchanging land and permanent improvements; issuing revenue bonds; and procuring property and liability insurance.

Further, in order to discharge their responsibilities, the Board of Regents has expressly reserved as the sole right of the Board the approval of the following: annual operating budget and transfers between fund groups and components, bank depositories and deposits therein, appropriations requests, table of organization and functional responsibilities assigned to each position, appointments to fill designated positions, employee and student personnel policies, employee and student organizations, minimum class size for efficient operations, master plans, long range goals and major alterations to the physical plant. Unless the Board has specifically delegated authority for an administrative officer to act on its behalf, the matters presented above must be acted upon by the Board of Regents, in accordance with statutory requirements and bylaws. These statutory requirements are contained in the Texas Education Code where Texas State Technical College System is addressed specifically as Chapter 135 (see Appendix I).

Bylaws, Rules and Regulations of the Board of Regents

The Board of Regents, by approval of Minute Order 50-04, has established Bylaws, Rules and Regulations, which essentially define the manner and means by which it will conduct the business of the Board (see Appendix II).

Organization of the Board of Regents

The officers of the Board are Chair, Vice Chair, Executive Committee Place I, and Executive Committee Place II. These officers are elected annually at the first regularly scheduled quarterly meeting in each fiscal year, and they assume office at the time of their election.

The Board's Executive Committee is composed of the Board Chair, Vice Chair, Executive Committee Place I, and Executive Committee Place II.

Each of the Board's five standing committees addresses the issues presented to it for discussion and action at each meeting. Committee members and chairs are appointed by the newly-elected Board Chair at the first regularly scheduled quarterly meeting of each fiscal year, and they assume office at the time of their appointment. These standing committees are:

- Committee for Instruction and Student Services
- Committee for Human Resources and Development
- Committee for Facilities
- Committee for Fiscal Affairs
- Audit Committee (see Appendix III)

The Board may establish additional standing committees or ad hoc committees to accomplish specific tasks. The Chancellor may assign System staff members to serve standing and/or ad hoc committees.

Meetings of the Board of Regents

The Board schedules and conducts a minimum of four (4) meetings each fiscal year. The meeting dates and locations are recommended by the Secretary to the Board and approved at the first regularly scheduled quarterly meeting of each fiscal year. Additional meetings of the full Board and/or the Executive Committee may be scheduled, as appropriate.

A majority of the Board members shall constitute a quorum.

Meetings must be conducted in accordance with all applicable State regulations. These regulations are contained in Texas Government Code, Chapter 551, Open Meetings (see Appendix IV).

DELEGATION OF AUTHORITY

The Chancellor is the only officer authorized to present agendas, items of business, resolutions, reports, and related information to the Board of Regents. The Chancellor may delegate certain authority to the Secretary of the Board, Executive Vice Chancellor, or other System staff members assigned to serve Board committees.

The Presidents, Executive Vice Chancellor, and other System staff members assigned to serve committees are authorized to propose minute order documents, resolutions, and reports to the System Office. These are reviewed and approved by the Executive Vice Chancellor before being submitted to the Chancellor for his/her concurrence and ultimate submission to the Board for its consideration.

OPERATING REQUIREMENTS

Committee Staff

System staff members may be assigned to serve Board standing and/or ad hoc committees. It is incumbent on these staff members to coordinate with the Chancellor, Executive Vice Chancellor, and the Secretary of the Board such things as suggested courses of action, committee objectives, and/or information being requested of a staff person.

Types of Board Meetings

All Board meetings must be conducted in accordance with Texas Government Code, Chapter 551, Open Meetings (see Appendix IV).

1. Quarterly Meetings. Regularly scheduled quarterly meetings are held each fiscal year, typically at the end of October, January, April, and July, with the location of these meetings rotating among the colleges. Additional meetings may be held, as needed. The agendas of these meetings must be posted at least 72 hours in advance with the Secretary of State and the county courthouse where the meeting is being held and, in some cases,

with TSTC's student publications. Materials for regularly scheduled quarterly meeting are forwarded to Board members approximately two weeks in advance.

2. Closed Meetings. State law allows the Board to go into closed meeting to discuss matters relating to real estate, personnel, litigation, and other selected matters. It also allows private consultation with general counsel regarding pending or contemplated litigation, settlement offers, and other certain matters. No action may be taken in a Closed Meeting. Normally, the members of the Board and the Chancellor are present in a Closed Meeting. At the discretion of the Chair, additional persons may be included.
3. Executive Committee Meetings. The Executive Committee is authorized to act on behalf of the full Board in situations where an issue must be dealt with promptly, circumstances make it difficult for the Board to meet, and the Chair deems this approach to be appropriate. Action taken by the Executive Committee must be presented for adoption at the next regularly scheduled meeting of the Board of Regents.

The agendas of these meetings must be posted at least 72 hours in advance with the Secretary of State and the county courthouse where the meeting is being held and, in some cases, with TSTC's student publications. Materials are distributed to committee members approximately 48 hours in advance. The Secretary to the Board contacts the Regents the day of the scheduled telephone conference to ensure that materials have been received and are in hand.

3. Telephone Conference Meetings. On occasion, it may be necessary for the Board or the Executive Committee to hold a telephone conference meeting.

The agendas of these meetings must be posted at least 72 hours in advance with the Secretary of State and the county courthouse where the meeting is being held and, in some cases, with TSTC's student publications. Materials are distributed to the appropriate Regents approximately 48 hours in advance. The Secretary to the Board contacts Regents the day of the telephone conference to ensure that materials have been received and are in hand.

4. Emergency Meetings. Under very limited circumstances, state law allows for emergency meetings to be held with less than 72 hours notice.

Types of Agenda Items

Agenda items are presented to the Board of Regents at official meetings as minute order documents, resolutions, and reports.

Board action is taken through minute orders and resolutions. Minute orders are used for transacting business, and resolutions are used for citations, awards, commendations, expressions of appreciation or sympathy, and other appropriate purposes. Reports are used to convey information that does not require Board action. All items must be included on the official Board agenda to be discussed or acted upon.

Preparation and Distribution of Meeting Materials

1. The Board of Regents regards the Chancellor as the officer responsible for all matters related to the Texas State Technical College System. The Chancellor is the only officer authorized to present agendas, items of business, resolutions, and related information to the Board.
2. The Secretary to the Board publishes a schedule for preparing materials for each regularly scheduled quarterly Board meeting and forwards a copy to the Executive Vice Chancellor, committee staff, and members of Management Council (see Appendix V).
3. Agendas are established by the Chancellor and Executive Vice Chancellor, in consultation with the Secretary to the Board, Presidents, and committee staff.
4. Items for Board consideration are submitted in one of three forms: minute order documents, resolutions, or reports.

Minute Order Documents

- The Board of Regents uses minute orders to transact business. Minute orders must be approved by the Board to go into effect.
- The minute order document provides information needed for the Board of Regents to make an informed decision and for sound records management, including (1) the date of the meeting; (2) the proposed minute order number; (3) the name and title of the person proposing the minute order; (4) the minute order subject, background, justification, any additional information, fiscal implications, and attachments, if any; (5) the recommended minute order itself; and (6) the signature, name, and title of the person recommending the action. When an existing Board-approved minute order(s) has a direct bearing on the proposed minute order, the most recent one is cited by number in the background section. A minute order document is usually one page in length (see Appendix VI).
- The person proposing the action is usually a President, the Executive Vice Chancellor, or the person who staffs the appropriate committee, but it may be the Chancellor. The person recommending the action is usually the person who staffs the appropriate committee, but it may be the Chancellor or the Executive Vice Chancellor.
- The minute order itself is expressed as a succinct statement of action. It should always be expressed in the positive sense; that is, by voting in favor of the minute order, the desired end result will be achieved.
- When a minute order authorizes or directs an action to be taken, it should designate that the Chancellor is to take the specified action; where appropriate, the minute order may state that the Chancellor or his/her designee is to take the action.
- To ensure sound records management, each minute order is assigned a number by the Secretary to the Board, based on the order and the calendar year in which it

was approved. For example, minute order #10-04, was the tenth minute order approved in calendar year 2004.

Resolutions

- The Board of Regents uses resolutions for citations, awards, commendations, expressions of appreciation or sympathy, and other appropriate purposes. Resolutions must be approved by the Board to go into effect.
- A resolution usually follows an established format (see Appendix VII).
- To ensure sound records management, each resolution is assigned a minute order number by the Secretary to the Board, based on the order and the calendar year in which it was approved. For example, minute order #12-04, was the twelfth minute order approved in calendar year 2004.

Reports

- The Board of Regents uses reports to receive information that does not require Board action.
 - The format of written reports varies. Some reports are oral, not accompanied by written documentation.
 - Since reports do not involve Board action, they are not assigned minute order numbers.
5. Titles for minute order documents, resolutions, and reports are submitted by the Chancellor, Executive Vice Chancellor, Presidents, and System committee staff to the Secretary of the Board and the staff person assigned to the appropriate committee. Regents may request that items be placed on the agenda by submitting their requests to the Board chair; if the Board Chair concurs, he/she submits these to the Secretary to the Board for inclusion on the agenda.
 6. Proposed minute order documents, resolutions, and reports may be submitted by the Chancellor, Executive Vice Chancellor, Presidents, and System committee staff. A President may authorize designated executive staff to submit certain documents on the President's behalf; however, the President must advise the Executive Vice Chancellor and the Secretary to the Board of this authorization in advance.
 6. Minute order documents, resolutions, and reports are submitted electronically to the Secretary to the Board and the System staff assigned to the appropriate Board Committee, in the proper format and in accordance with the schedule published by the Board Secretary.

From this point, only emergency agenda items and materials, which could not have been submitted at an earlier date and for which it is critical that the earliest possible Board consideration be obtained, are considered for inclusion on the agenda. The decision is made by the Executive Vice Chancellor. All such items are handled through the same process.

7. Each committee staff person prepares draft minute order documents, resolutions, and

reports; reviews and revises any that have been submitted to him/her, in consultation with the System staff members having functional responsibility for the issues being addressed; and submits the final drafts electronically to the Executive Vice Chancellor and Secretary to the Board.

8. The Chancellor and Executive Vice Chancellor set the meeting agendas.
9. The Secretary of the Board prepares draft agendas and consolidates draft minute orders, resolutions, and reports. The Executive Vice Chancellor, Secretary to the Board, and System Chief Financial Officer meet to review these materials and revise them as needed.
9. After approval by the Executive Vice Chancellor, the Secretary of the Board reproduces and assembles the final agendas, minute orders, resolutions, and reports for submission to the Chancellor.
10. Upon receiving the Chancellor's approval, the Secretary of the Board forwards the materials to all Board members with copies to the members of Management Council. For regularly scheduled Board meetings, these are mailed approximately two weeks prior to the meeting. For other meetings, these are mailed approximately 48 hours prior to the meeting.

Other Meeting Preparations

The Secretary of the Board makes additional preparations for the Board meeting, including working with the host college on schedules and logistics, arranging for needed equipment, arranging hotel accommodations, coordinating travel plans for Board members and executive staff, transporting and setting up equipment and materials, processing travel documents, etc. The Secretary to the Board also posts meeting agendas, in accordance with Texas Government Code, Chapter 551, Open Meetings (see Appendix IV).

At Board Meetings

At Board meetings, the Chancellor serves as the official spokesperson for the TSTC System, and he/she is the only officer authorized to present agendas, minute orders, resolutions, reports, or other items to the Board. The Chancellor may designate the Executive Vice Chancellor and Board committee staff to address certain issues. The Presidents, General Counsel, and members of Management Council are present to respond to inquiries directed to them by the Chancellor or members of the Board of Regents.

The Secretary to the Board records the proceedings of the open meetings, as required by law.

Following Board Meetings

After a Board meeting, the Secretary to the Board:

- obtains the necessary signatures on documents, and distributes the signed originals and copies, as appropriate;

- attests to the passage of the various minute orders and resolutions, and distributes this document, as appropriate;
- ensures that copies of all Board meeting materials are submitted to the System Office of Records Management; and
- processes the Regents' expense reports for reimbursement.

In addition, the Board Secretary prepares the official minutes of the meetings, which the Executive Vice Chancellor reviews and revises, as appropriate. The Board Secretary submits the minutes to the Board of Regents for approval at the next regularly scheduled quarterly meeting. After the Board approves the minutes, the Board Secretary distributes copies to the Chancellor, Executive Vice Chancellor, Management Council, Board committee staff, General Counsel, System Office of Records Management, TSTC Libraries, Legislative Reference Library, Legislative Budget Board, and Office of the Governor.

PERFORMANCE STANDARDS

1. Agendas, minute order documents, resolutions, and reports are prepared in the proper format, and they are submitted and distributed in accordance with the schedule prepared by the Secretary to the Board.
2. Minute order documents, resolutions, and reports convey the information that the Board of Regents needs to make informed decisions.
3. Agenda are posted and meetings are conducted in accordance with Texas Government Code, Chapter 551, Open Meetings.
3. Documents are signed, where appropriate, and distributed in accordance with this System Operating Standard.
4. The System Office of Records Management holds all appropriate documents in a manner that ensures they are easily accessible.



COLLEGE OPERATING PROCEDURE

COLLEGE		Page 1 of
OFFICE OF RESPONSIBILITY:		
APPROVED BY:		
TITLE:	Date:	
FORWARDED TO SYSTEM OFFICE ON		

EDUCATION CODE
CHAPTER 135. TEXAS STATE TECHNICAL COLLEGE SYSTEM
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 135.01. TEXAS STATE TECHNICAL COLLEGE SYSTEM; ROLE AND MISSION.

(a) Texas State Technical College System is a coeducational two-year institution of higher education offering courses of study in technical-vocational education for which there is demand within the State of Texas.

(b) Texas State Technical College System shall contribute to the educational and economic development of the State of Texas by offering occupationally oriented programs with supporting academic course work, emphasizing highly specialized advanced and emerging technical and vocational areas for certificates or associate degrees. The Texas State Technical College System is authorized to serve the State of Texas through excellence in instruction, public service, faculty and manpower research, and economic development. The system's economic development efforts to improve the competitiveness of Texas business and industry include exemplary centers of excellence in technical program clusters on the system's campuses and support of educational research commercialization initiatives. Through close collaboration with business, industry, governmental agencies, and communities, including public and private secondary and postsecondary educational institutions, the system shall facilitate and deliver an articulated and responsive technical education system.

(c) In developing and offering highly specialized technical programs with related supportive coursework, primary consideration shall be placed on industrial and technological manpower needs of the state. The emphasis of each Texas State Technical College System campus shall be on advanced or emerging technical programs not commonly offered by public junior colleges.

Acts 1971, 62nd Leg., p. 3316, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1985, 69th Leg., ch. 646, Sec. 6, eff. Aug. 26, 1985; Acts 1987, 70th Leg., ch. 823, Sec. 2.02, eff. June 20, 1987; Acts 1991, 72nd Leg., ch. 287, Sec. 1, eff. Sept. 1, 1991.

Sec. 135.011. DEFINITIONS.

In this section:

- (1) "Board" means the board of regents of the Texas State Technical College System.
- (2) "Coordinating board" means the Texas Higher Education Coordinating Board.
- (3) "System" means the Texas State Technical College System.
- (4) "Faculty research" means research using the system's facilities and equipment that is:
 - (A) consistent with the system's mission; and
 - (B) funded by private sources, competitively acquired sources, or appropriated public

funding.

(5) "Campus" means a residential unit of the system that grants associate degrees and certificates.

(6) "Extension center" means a site, operating under the administration of a campus, that has an extension program.

(7) "Extension program" includes credit and noncredit instruction in technical-vocational education.

Added by Acts 1991, 72nd Leg., ch. 287, Sec. 2, eff. Sept. 1, 1991.

Sec. 135.02. LOCATION.

(a) The Texas State Technical College System is composed of:

(1) a system office located in the city of Waco in McLennan County;

(2) a campus located in the city of Harlingen in Cameron County;

(3) a campus located in the city of Sweetwater in Nolan County;

(4) a campus located in the city of Marshall in Harrison County;

(5) a campus located in the city of Waco in McLennan County;

(6) extension centers in the city of Brownwood in Brown County and the city of Abilene in Taylor County and an extension program offered through a rural technology center in the city of Breckenridge in Stephens County; and

(7) other campuses assigned to the system from time to time by specific legislative Act.

(b) The system may operate an extension center created after September 1, 1991, in a city or county if:

(1) the coordinating board has given prior approval to the extension center, after considering the role and mission of the system, the needs of this state and of the community involved, the actions of the legislature, if any, and the efficient and effective use of the state's educational resources for the economic development of this state;

(2) a political subdivision of this state provides and maintains appropriate equipment and facilities for the delivery of technical-vocational education, including maintenance and utilities; and

(3) funding for the extension center is approved by specific legislative Act.

Text of subsec. (c) as amended by Acts 1991, 72nd Leg., ch. 268, Sec. 1

(c) The board may accept or acquire by purchase in the name of the State of Texas land and facilities in Cameron County, Potter County, Harrison County, and Nolan County, subject to the approval of the governor.

Text of subsec. (c) as amended by Acts 1991, 72nd Leg., ch. 287, Sec. 3

(c) The board may accept or acquire by purchase in the name of the State of Texas land and facilities in any of the counties in which a campus or extension center is located. The coordinating board must review and approve the acceptance or acquisition of any land and facilities if:

(1) the board of regents requests to place the land and facilities on its educational and general buildings and facilities inventory; and

(2) the combined value of the land and facilities is more than \$300,000 at the time the board of regents requests the property to be added to the educational and general buildings and facilities inventory.

(d), (e) Repealed by Acts 1999, 76th Leg., ch. 1363, Sec. 3, eff. September 1, 1999.

Acts 1971, 62nd Leg., p. 3316, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1971, 62nd Leg., p. 3341, ch. 1024, art. 2, Sec. 10, eff. Sept. 1, 1971; Acts 1989, 71st Leg., ch. 464, Sec. 7, eff. June 14, 1989; Acts 1991, 72nd Leg., ch. 268, Sec. 1 to 3, eff. Aug. 26, 1991; Acts 1991, 72nd Leg., ch. 287, Sec. 3, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 359, Sec. 3; Acts 1999, 76th Leg., ch. 1363, Sec. 1, 3, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 238, Sec. 1, eff. May 22, 2001.

Sec. 135.04. APPROVAL OF PROGRAMS.

(a) Educational programs wholly or partially financed from state funds are subject to the prior approval or disapproval and continuing review of the coordinating board.

(b) Before any program may be offered by a campus or extension center within the tax district of a public junior college that is operating a vocational and technical program, it must be established that the public junior college is not capable of offering or is unable to offer the program. After it is established that a need for the program exists and that the program is not locally available, the campus or extension center may offer the program, provided approval is secured from the coordinating board. Approval of technical-vocational programs under this section does not apply to McLennan, Cameron, and Potter counties.

(c) Where a local government, business, or industry located in a county or a portion of a county that is not operating a public junior college district requests that the campus or extension

center offer a program, the campus or extension center may offer the program provided approval is secured from the coordinating board.

Acts 1971, 62nd Leg., p. 3316, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1985, 69th Leg., ch. 646, Sec. 8, eff. Aug. 26, 1985; Acts 1991, 72nd Leg., ch. 287, Sec. 4, eff. Sept. 1, 1991.

Sec. 135.05. SERVICES FOR THE DEAF.

(a) The system shall provide qualified interpreters for deaf students in attendance at each campus. In order to be qualified, an interpreter must:

(1) be capable of giving verbatim transliteration or interpretation of the spoken word through finger spelling, the language of signs, or speaking without voice;

(2) be capable of sign-to-voice interpretation from the language of signs to the spoken word; and

Text of (3) as amended by Acts 1991, 72nd Leg., ch. 287, Sec. 5

(3) hold a certificate from the National Registry of Interpreters for the Deaf or an equivalent certificate issued by the Texas Commission for the Deaf.

Text of (3) as amended by Acts 1991, 72nd Leg., ch. 345, Sec. 3

(3) hold a Level III, IV, or V certificate issued by the Texas Commission for the Deaf or other certificate approved by the executive officer of the institute.

(b) The system shall also provide equipment, materials, and services, including tutoring, counseling, and other support services, necessary for the deaf student to take full advantage of existing educational programs.

(c) The executive officer shall determine which courses offered by the institute are appropriate for an electronic display on a screen or terminal, with less than 30 seconds delay, of a speaker's spoken message. The institute shall implement the electronic display in those courses.

Added by Acts 1977, 65th Leg., p. 1034, ch. 379, Sec. 1, eff. Aug. 29, 1977.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 5, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 345, Sec. 3, eff. Sept. 1, 1991.

Sec. 135.06. EXTENSION PROGRAM.

(a) Texas State Technical College System is authorized to provide extension programs of training in the fields of Technical-Vocational Education as temporary programs to address current

unemployment problems.

(b) The system may accept in the name of the State of Texas any real or personal properties. The system shall not be authorized by this section to establish permanent programs or campuses.

(c) The system may operate an extension program by the use of gifts and grants from any public or private source and other legislative appropriations.

(d) The system may enter into contracts with existing political subdivisions, state agencies, state institutions, private entities, or federal agencies to carry out an extension program.

(e) The extension program shall be limited to the needs for Technical-Vocational Training in the area being served and shall be subject to the provisions of Subsections (e) and (j) of Section 61.051 of this code.

(f) The system may not use legislative appropriations for physical plant operations or utility costs of an extension program or center created after September 1, 1991.

Added by Acts 1983, 68th Leg., p. 4527, ch. 742, Sec. 1, eff. Aug. 29, 1983.

Amended by Acts 1985, 69th Leg., ch. 646, Sec. 9, eff. Aug. 26, 1985; Acts 1991, 72nd Leg., ch. 287, Sec. 6, eff. Sept. 1, 1991.

Sec. 135.07. FUNDING; GIFTS AND GRANTS.

(a) The legislature shall appropriate funds for administration, instruction, and physical plant operations and utilities for each campus of the system and for each extension program created before September 1, 1991, on the basis of formulas developed by the coordinating board.

(b) The legislature shall appropriate funds for administration of and instruction at each extension program created after September 1, 1991, and operated by the system on the basis of formulas developed by the coordinating board.

(c) The system may accept gifts and grants from any public or private source.

Added by Acts 1987, 70th Leg., ch. 823, Sec. 3.03, eff. June 20, 1987.

Amended by Acts 1989, 71st Leg., ch. 882, Sec. 1, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 287, Sec. 7, eff. Sept. 1, 1991.

Sec. 135.08. AIRPORT.

(a) The Waco campus may operate its airport as a public airport.

(b) The system may not use legislative appropriations for the airport but may use federal

or public agency grants for aviation or economic development.

Added by Acts 1991, 72nd Leg., ch. 287, Sec. 8, eff. Sept. 1, 1991.

SUBCHAPTER B. BOARD OF REGENTS; ADMINISTRATIVE PROVISIONS

Sec. 135.21. BOARD OF REGENTS.

The organization and control of the system is vested in a board of nine regents.

Acts 1971, 62nd Leg., p. 3317, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 9, eff. Sept. 1, 1991.

Sec. 135.22. APPOINTMENT OF BOARD.

The governor shall appoint members of the board with the advice and consent of the senate. In appointing members of the board the governor shall include persons representing agriculture, business, industry, and labor. Each member of the board shall be a citizen of Texas and shall take the constitutional oath of office.

Acts 1971, 62nd Leg., p. 3317, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Sec. 135.23. TERMS OF OFFICE.

The term of office of each regent is six years. Any vacancy that occurs on the board is filled for the unexpired term by appointment of the governor.

Acts 1971, 62nd Leg., p. 3317, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 10, eff. Sept. 1, 1991.

Sec. 135.24. ORGANIZATION; BYLAWS.

The board shall elect one of the members chairman; elect other officers as it deems necessary; and enact bylaws, rules, and regulations as it deems necessary for the successful management and operation of the system.

Acts 1971, 62nd Leg., p. 3317, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 11, eff. Sept. 1, 1991.

Sec. 135.25. MEETINGS.

The board shall meet as prescribed by its bylaws.

Acts 1971, 62nd Leg., p. 3317, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 12, eff. Sept. 1, 1991.

Sec. 135.26. COMPENSATION.

Members of the board may not receive salary or compensation for their services, but they shall receive reimbursement for their actual expenses incurred in attending to the work of the board.

Acts 1971, 62nd Leg., p. 3317, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 13, eff. Sept. 1, 1991.

Sec. 135.27. SYSTEM CENTRAL ADMINISTRATION OFFICE; EXECUTIVE OFFICER.

(a) The central administration office of the system shall provide oversight and coordination of the activities of each component of the system.

(b) The board shall appoint an executive officer of the system and determine the executive officer's term of office, salary, and duties.

(c) The executive officer shall recommend a plan for the organization of the system and the appointment of an executive officer for each campus of the system.

(d) The executive officer of the system is responsible to the board for the general management and success of the system, and the board shall cooperate with the executive officer to carry out that responsibility.

(e) In addition to other powers and duties provided by this code or other law, the central administration office of the system shall recommend necessary policies and rules to the governing board of the system to ensure conformity with all laws and rules and to provide uniformity in data collection and financial reporting procedures.

Added by Acts 1989, 71st Leg., ch. 464, Sec. 8, eff. June 14, 1989.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 14, eff. Sept. 1, 1991.

SUBCHAPTER C. BOARD OF REGENTS; POWERS AND DUTIES

Sec. 135.51. CERTIFICATES, DIPLOMAS, AND ASSOCIATE DEGREES.

The board shall prescribe and award associate of applied science degrees, certificates, and diplomas limited to those appropriate to technical education.

Acts 1971, 62nd Leg., p. 3318, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1985, 69th Leg., ch. 646, Sec. 10, eff. Aug. 26, 1985; Acts 1991, 72nd Leg., ch. 287, Sec. 15, eff. Sept. 1, 1991.

Sec. 135.52. FEES AND TUITION.

The board shall collect tuition at the rates provided by law and registration fees.

Acts 1971, 62nd Leg., p. 3318, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1985, 69th Leg., ch. 646, Sec. 11, eff. Aug. 26, 1985.

Sec. 135.53. NONRESIDENT FEE EXEMPTIONS.

The board may enter into cooperative agreements which exempt technical students from nonresident fees when there are reciprocal privileges granted to Texas residents.

Acts 1971, 62nd Leg., p. 3318, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Sec. 135.54. CONTRACTS.

The board may contract with individuals, federal, state, and local agencies and departments, corporations, and associations to provide:

- (1) educational programs designed to meet the need for trained personnel in Texas; or
- (2) programs for economic development that benefit this state.

Acts 1971, 62nd Leg., p. 3318, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 16, eff. Sept. 1, 1991.

Sec. 135.55. SUITS; VENUE.

The board may sue, and may be sued, in the name of the Texas State Technical College System, with venue being in either McLennan County or Travis County.

Acts 1971, 62nd Leg., p. 3318, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 17, eff. Sept. 1, 1991.

Sec. 135.56. BONDS AND NOTES; PLEDGE OF REVENUE.

(a) The board may irrevocably pledge the fees, charges, revenues, and the proceeds of the lease, sale, transfer, or exchange of or from the buildings, land, structures, and the additions to the

existing buildings and structures authorized to be constructed, improved, or equipped and to pledge the revenue of the proceeds of the lease, sale, transfer, or exchange of or from any other revenue-producing buildings, structures, facilities, and other property to the payment of the interest on and the principal of bonds authorized to be issued by Chapter 55 of this code, and to enter into agreements regarding the imposition of fees, charges, and other revenue and the collection, pledge, and disposition as the board deems appropriate. However, where land and improvements on the land, the revenue of which has been pledged to pay bonds, are to be sold, the sale is conditioned on the deposit by the board of the proceeds of the sale to the sinking fund created by the bond order of the issuing authority.

(b) All income received by the board under the provisions of this section shall be accounted for and used in the same manner as other money available to the board for the establishment or operation of the system.

(c) The bonds authorized to be issued under Chapter 55 of this code are special obligations of the board issuing the bonds and are payable only from a pledge of the fees, charges, and other revenues authorized by this section and from the proceeds of the lease, sale, transfer, or exchange of land and improvements on the land the revenue of which is pledged to secure the payment of interest on and principal of the bonds.

(d) The board, in addition to the authority already provided, may issue revenue bonds for the purposes authorized and in the manner prescribed and under the terms and conditions set forth in Chapter 55 of this code.

(e) The board may issue additional revenue bonds for the purposes authorized and in the manner prescribed by 26 U.S.C. Section 142, relating to airport development, water and sewage treatment, residential construction, and other matters within the role and scope of the system.

Acts 1971, 62nd Leg., p. 3318, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 18, eff. Sept. 1, 1991.

Sec. 135.561. USE OF PROPERTY.

The board may lease, sell, transfer, or exchange land and permanent improvements owned by the system as the board determines is in the best interest of fulfilling the mission of the system.

Added by Acts 1991, 72nd Leg., ch. 287, Sec. 19, eff. Sept. 1, 1991.

Sec. 135.57. INSURANCE.

The board may procure the property and liability insurance coverages required by the United States to protect it and its agencies against the possibility of loss or liability in connection with property owned by the United States and loaned to the system pursuant to the provisions of the National Industrial Reserve Act of 1948, 50 U.S.C. Secs. 451-462.

Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 20, eff. Sept. 1, 1991.

Sec. 135.58. WORKERS' COMPENSATION INSURANCE.

The board may provide workers' compensation insurance for its employees according to the provisions of Chapter 229, Acts of the 50th Legislature, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes).

Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 21, eff. Sept. 1, 1991.

Sec. 135.59. CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.

The board may enter into any contracts and agreements with an institution of higher education, as defined by Section 61.003 of this code, or a private or independent college or university that is accredited by a recognized accrediting agency under Section 61.003 of this code, for joint participation in programs that may be designed to benefit the State of Texas.

Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Amended by Acts 1991, 72nd Leg., ch. 287, Sec. 22, eff. Sept. 1, 1991.

Sec. 135.60. EMINENT DOMAIN.

(a) The board may exercise the power of eminent domain to acquire land, clearance easements for airport zoning, and facilities in any of the counties in which a campus is located or in a county adjacent to one of those counties.

(b) The board must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, but the board is not required to provide a bond for appeal or a bond for costs.

Added by Acts 1991, 72nd Leg., ch. 287, Sec. 23, eff. Sept. 1, 1991.

Sec. 135.61. FORECASTING TECHNICAL EDUCATION PROGRAM NEEDS.

(a) The board shall develop and administer a program to forecast the types of technical education programs that are needed to maintain and improve the state's economic and technological competitiveness.

(b) The program shall review the state's business and industry workforce needs for trained and educated workers and suggest specific technical education programs in specific areas that are needed to ensure or that would enhance the state's economic and technological competitiveness.

The board may recommend the creation of new technical education programs or new methods of delivering technical education programs.

(c) The board shall provide information and recommendations developed under the program to any institution of higher education, as defined by Section 61.003, that:

(1) provides technical education programs; or

(2) the board determines should offer technical education programs for the purpose of Subsection (a).

Added by Acts 1999, 76th Leg., ch. 1563, Sec. 1, eff. June 19, 1999.

**BYLAWS, RULES AND REGULATIONS
FOR
TEXAS STATE TECHNICAL COLLEGE SYSTEM
(Revised April 2004)**

GENERAL STATUTORY PROVISIONS

Statutory provisions which apply to Texas State Technical College System are contained in Chapter 135 of The Texas Education Code. This chapter is contained in Appendix A which is attached hereto and adopted herein by reference.

In case there is an apparent conflict between any other section of these bylaws and provisions of the Education Code, the latter shall prevail.

PURPOSE

This Board is established in compliance with statutory provisions which vest the organization and control for Texas State Technical College System in a board of nine regents.

DUTIES

The Board shall enact such policies, rules, and regulations as it deems necessary for the successful management and operation of the system.

The Board is the final authority on all internal matters related to the governance and operations of Texas State Technical College System.

ORGANIZATION

Officers: The officers of the Board shall be a Chair and Vice Chair who shall be elected annually at the first regularly scheduled meeting in each fiscal year and they shall assume office at the time of election for the remainder of the fiscal year.

Removal from Office: A three-fourths majority of the full membership of the Board is required to remove a duly elected officer from office.

The Chair shall preside at all meetings and shall perform those duties usually designated to that office. In the absence of the Chair, or in the event the Chair is unable to discharge the duties of this office, the Vice Chair shall assume these responsibilities.

Secretary to the Board: The Board of Regents shall appoint a staff member to serve at its pleasure as Secretary to the Board. It is the duty of the Secretary to keep Minutes of the meetings.

The Secretary shall maintain records relating to the Board's actions, and perform such duties and assignments as the Board shall prescribe, or the Chancellor shall require.

Executive Committee: The Chair, the Vice Chair and two other Board members elected by the Board shall constitute an Executive Committee.

The Executive Committee is authorized to act on behalf of the full Board on matters requiring Board action between regularly scheduled meetings which, in the judgment of the Chair, do not warrant calling a special meeting of the full Board.

A full report on actions taken by the Executive committee will be made by the Chair at the first Board meeting held following such Executive Committee actions, and this report shall be presented for adoption by the Board and incorporated into the records.

Standing Committees: Upon recommendation of the Chair and with the approval of a majority of the Board members, Standing Committees and appointments to these committees will be made by the Chair as necessary to accomplish the business of the Board.

Special Committees: The Chair may appoint special committees to meet temporary needs as may arise from time to time. The purpose and assigned responsibilities of these committees shall not conflict with established standing committees. In the event of inadvertent conflicts, the role of the Standing Committee shall prevail.

Upon receipt of a request from any Board member to establish a Special Committee for a specified purpose, which request has the support of a majority of the Board members, the Chair shall promptly appoint a committee for the stated purpose.

Terms of Committees: Committee members shall serve from the date of appointment until the annual election of officers or until the Chair appoints a replacement.

AUTHORITY

By statutory provision, the Board has the authority and power to prescribe, regulate and otherwise engage in and control:

1. Acquire insurance
2. Annual operating budget and all changes thereto
3. Appointments to fill designated positions
4. Appropriations request
5. Bank depositories and deposits therein

6. Contracts for educational programs
7. Employee and student personnel policies
8. Employee and student organizations
9. Issuance of certificates and diplomas
10. Issue Revenue Bonds
11. Lawsuits and venue
12. Lease, sale, transfer or exchange of land and permanent improvements
13. Major alterations to the physical plant
14. Master plans and long-range goals
15. Minimum class size for efficient operations
16. Non-resident fee exemptions
17. Table of Organization and functional responsibilities assigned to each position within the organization
18. Tuition and registration fees

MEETINGS

Meetings shall be held in accordance with applicable State and Federal Laws, and conducted according to the current edition of Roberts Rules of Order.

Regular Meetings: The Board shall schedule and conduct a minimum of four (4) meetings each fiscal year. The meeting dates and places shall be established at the first regularly scheduled meeting of each fiscal year, and may be changed to meet the needs of the Board.

Special Meetings: When in the opinion of a majority of the Executive Committee Members an emergency exists which warrants a special meeting, the Chair shall call for such a meeting, including telephone conferences in accordance with law. The rules of notification applicable to regular meetings will apply.

Quorum: A majority of the Board members shall constitute a quorum and must be present to conduct an official meeting of the Board. A Board member is considered present whether present in person or via electronic medium. The first item of business at each meeting shall be a roll call of the members to determine the presence of the quorum. In the event that a quorum is not present, the Chair is authorized to delay the meeting for a period not to exceed three hours when, in the opinion of the Chair, there is reasonable likelihood that a quorum may be established during that time.

Upon failing to establish a quorum, the meeting shall be adjourned by the Chair with no further discussion on any other matter except to establish a time and place of the next meeting.

Voting: A member must be present at a meeting for his/her vote to be registered. Members may either vote or abstain from voting on items presented for Board action. Upon request from a member, the Minutes shall show the record of a member's vote on any item.

Transaction of Business:

The Chancellor shall prepare an agenda for all meetings and shall prepare and distribute to each member such materials as may be necessary for the conduct of the Board's business. Any member may request an item be placed on the agenda and such reports or other materials as may be necessary for the conduct of the Board's business.

Except as may be specifically provided in other sections of these bylaws, a simple majority vote is required to either approve or reject any item of business properly presented to the Board.

Communications with the Board: The regular channel of communications between the Board and the administration, faculty, and staff of the College is through the Office of the Chancellor. This does not preclude the transmission of information, reports, and other material not involving official policy matters.

AMENDMENTS

These bylaws may be amended by a two-thirds majority vote of the full membership of the Board.

Proposed amendments must be submitted in writing to the Secretary at least 30 days before Board consideration. The Secretary will immediately provide copies to all members and place the proposed amendments on the agenda of the first Board Meeting held thirty days after receipt of the proposed amendment/amendments by the Secretary.

Where State and Federal laws are incorporated in whole or in part in these bylaws, these laws shall automatically be adopted as amendments to the bylaws without further action by the Board. The Secretary shall communicate all changes to all members.

ADOPTION

After proper notice these amended bylaws were adopted at a regularly scheduled meeting of the Board of Regents of Texas State Technical College System on the 30th day of April 2004 at Waco, Texas.

Original Signed by Connie de la Garza
Connie de la Garza, Chair

ATTEST:

Original Signed by Lillian Macik
Lillian Macik, Secretary

TEXAS STATE TECHNICAL COLLEGE AUDIT COMMITTEE CHARTER

PURPOSE

To assist the Board of Regents in fulfilling its oversight responsibilities for the financial reporting process, the system of internal control over financial reporting, the audit process, and Texas State Technical College's (TSTC's) process for monitoring compliance with laws and regulations and the code of conduct.

COMPOSITION

The audit committee will consist of at least three and no more than four members of the Board of Regents. Upon recommendation of the Chairman of the Board of Regents and with approval of the Board members, the Chairman will appoint committee members and the committee chair.

Each committee member will be free from any financial, family or other material personal relationship that would interfere with his or her individual exercise of independent judgment. All members will have a working familiarity with basic finance and accounting practices and at least one member must have accounting or related financial management expertise.

AUTHORITY

The audit committee has authority to conduct or authorize investigations into any matters within its scope of responsibility. It is empowered to:

- Seek any information it requires from employees — all of whom are directed to cooperate with the committee's requests — or external parties.
- Meet with TSTC officers, external auditors, or outside counsel, as necessary.

MEETINGS

The committee will meet at least four times a year, with authority to convene additional meetings as circumstances require. Meeting agendas will be prepared and provided in advance to members, along with appropriate briefing materials. Minutes will be prepared.

RESPONSIBILITIES

The committee will carry out the following responsibilities:

Financial Statements/Internal Controls

Management is responsible for the preparation, presentation and integrity of TSTC's financial statements and for the appropriateness of the accounting principles and reporting policies used by TSTC. The following shall be the principal duties and responsibilities of the committee regarding financial statements.

- Review the annual financial statements (contained within the annual financial report), and consider whether they are complete, consistent with information known to committee members, and reflect appropriate accounting principles.
- Make inquiries of management and auditors concerning the adequacy of TSTC's system of internal controls.
- Understand the scope of internal auditors' review of internal control over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.

Internal Audit

- Review with management and the Director of Audits the charter, plans, activities, staffing and organizational structure of the internal audit activity.
- Ensure there are no unjustified restrictions or limitations, and review and concur in the appointment, replacement or dismissal of the internal Director of Audits.
- Review the effectiveness of the internal audit activity, including compliance with The Institute of Internal Auditors' *Standards for the Professional Practice of Internal Auditing*.
- Review and monitor implementation of management's response to internal audit recommendations.

Compliance

- Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of noncompliance.
- Review the findings of any examinations by regulatory agencies, and any auditor observations.
- Review the process for communicating the code of conduct to TSTC personnel, and for monitoring compliance therewith.

Reporting

- Report to the Board of Regents about committee activities, issues, and related recommendations.
- Provide an open avenue of communication between the internal audit unit and the Board of Regents.
- Review any other reports TSTC issues that relate to committee responsibilities.

Other

- Perform other activities related to this charter as requested by the Board of Regents.
- Institute and oversee special investigations as needed.
- Review and assess the adequacy of the committee charter as necessary, requesting board approval for proposed changes

GOVERNMENT CODE
TITLE 5. OPEN GOVERNMENT; ETHICS
SUBTITLE A. OPEN GOVERNMENT
CHAPTER 551. OPEN MEETINGS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 551.001. DEFINITIONS.

In this chapter:

- (1) "Closed meeting" means a meeting to which the public does not have access.
- (2) "Deliberation" means a verbal exchange during a meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body or any public business.
- (3) "Governmental body" means:
 - (A) a board, commission, department, committee, or agency within the executive or legislative branch of state government that is directed by one or more elected or appointed members;
 - (B) a county commissioners court in the state;
 - (C) a municipal governing body in the state;
 - (D) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;
 - (E) a school district board of trustees;
 - (F) a county board of school trustees;
 - (G) a county board of education;
 - (H) the governing board of a special district created by law;
 - (I) a local workforce development board created under Section 2308.253;
 - (J) a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and that is authorized by this state to serve a geographic area of the state; and
 - (K) a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code.
- (4) "Meeting" means:

(A) a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action; or

(B) except as otherwise provided by this subdivision, a gathering:

(i) that is conducted by the governmental body or for which the governmental body is responsible;

(ii) at which a quorum of members of the governmental body is present;

(iii) that has been called by the governmental body; and

(iv) at which the members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the governmental body, about the public business or public policy over which the governmental body has supervision or control. The term does not include the gathering of a quorum of a governmental body at a social function unrelated to the public business that is conducted by the body, or the attendance by a quorum of a governmental body at a regional, state, or national convention or workshop, if formal action is not taken and any discussion of public business is incidental to the social function, convention, or workshop. The term includes a session of a governmental body.

(5) "Open" means open to the public.

(6) "Quorum" means a majority of a governmental body, unless defined differently by applicable law or rule or the charter of the governmental body.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 62, Sec. 18.23, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 647, Sec. 1, eff. Aug. 30, 1999; Acts 2001, 77th Leg., ch. 633, Sec. 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1004, Sec. 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 9.012, eff. Sept. 1, 2003.

Sec. 551.0015. CERTAIN PROPERTY OWNERS' ASSOCIATIONS SUBJECT TO LAW.

(a) A property owners' association is subject to this chapter in the same manner as a governmental body if:

(1) membership in the property owners' association is mandatory for owners or for a defined class of owners of private real property in a defined geographic area in a county with a population of 2.8 million or more or in a county adjacent to a county with a population of 2.8 million or more;

(2) the property owners' association has the power to make mandatory special assessments for capital improvements or mandatory regular assessments; and

(3) the amount of the mandatory special or regular assessments is or has ever been based in whole or in part on the value at which the state or a local governmental body assesses the property for purposes of ad valorem taxation under Section 20, Article VIII, Texas Constitution.

(b) The governing body of the association, a committee of the association, and members of the governing body or of a committee of the association are subject to this chapter in the same manner as the governing body of a governmental body, a committee of a governmental body, and members of the governing body or of a committee of the governmental body.

Added by Acts 1999, 76th Leg., ch. 1084, Sec. 1, eff. Sept. 1, 1999.

Sec. 551.002. OPEN MEETINGS REQUIREMENT.

Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.003. LEGISLATURE.

In this chapter, the legislature is exercising its powers to adopt rules to prohibit secret meetings of the legislature, committees of the legislature, and other bodies associated with the legislature, except as specifically permitted in the constitution.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0035. ATTENDANCE BY GOVERNMENTAL BODY AT LEGISLATIVE COMMITTEE OR AGENCY MEETING.

(a) This section applies only to the attendance by a quorum of a governmental body at a meeting of a committee or agency of the legislature. This section does not apply to attendance at the meeting by members of the legislative committee or agency holding the meeting.

(b) The attendance by a quorum of a governmental body at a meeting of a committee or agency of the legislature is not considered to be a meeting of that governmental body if the deliberations at the meeting by the members of that governmental body consist only of publicly testifying at the meeting, publicly commenting at the meeting, and publicly responding at the meeting to a question asked by a member of the legislative committee or agency.

Added by Acts 2001, 77th Leg., ch. 447, Sec. 1, eff. June 4, 2001.

Sec. 551.004. OPEN MEETINGS REQUIRED BY CHARTER.

This chapter does not authorize a governmental body to close a meeting that a charter of the governmental body:

- (1) prohibits from being closed; or
- (2) requires to be open.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

SUBCHAPTER B. RECORD OF OPEN MEETING

Sec. 551.021. MINUTES OR TAPE RECORDING OF OPEN MEETING REQUIRED.

(a) A governmental body shall prepare and keep minutes or make a tape recording of each open meeting of the body.

(b) The minutes must:

- (1) state the subject of each deliberation; and
- (2) indicate each vote, order, decision, or other action taken.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.022. MINUTES AND TAPE RECORDINGS OF OPEN MEETING: PUBLIC RECORD.

The minutes and tape recordings of an open meeting are public records and shall be available for public inspection and copying on request to the governmental body's chief administrative officer or the officer's designee.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.023. RECORDING OF MEETING BY PERSON IN ATTENDANCE.

(a) A person in attendance may record all or any part of an open meeting of a governmental body by means of a tape recorder, video camera, or other means of aural or visual reproduction.

(b) A governmental body may adopt reasonable rules to maintain order at a meeting, including rules relating to:

- (1) the location of recording equipment; and
- (2) the manner in which the recording is conducted.

(c) A rule adopted under Subsection (b) may not prevent or unreasonably impair a person from exercising a right granted under Subsection (a).

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

SUBCHAPTER C. NOTICE OF MEETINGS

Sec. 551.041. NOTICE OF MEETING REQUIRED.

A governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governmental body.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.042. INQUIRY MADE AT MEETING.

(a) If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to:

- (1) a statement of specific factual information given in response to the inquiry; or
- (2) a recitation of existing policy in response to the inquiry.

(b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.043. TIME AND ACCESSIBILITY OF NOTICE; GENERAL RULE.

The notice of a meeting of a governmental body must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting, except as provided by Sections 551.044-551.046.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.044. EXCEPTION TO GENERAL RULE: GOVERNMENTAL BODY WITH STATEWIDE JURISDICTION.

(a) The secretary of state must post notice on the Internet of a meeting of a state board, commission, department, or officer having statewide jurisdiction for at least seven days before the day of the meeting. The secretary of state shall provide during regular office hours a computer terminal at a place convenient to the public in the office of the secretary of state that members of the public may use to view notices of meetings posted by the secretary of state.

(b) Subsection (a) does not apply to:

- (1) the Texas Workers' Compensation Commission; or
- (2) the governing board of an institution of higher education.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 622, Sec. 1, eff. Sept. 1, 1999.

Sec. 551.045. EXCEPTION TO GENERAL RULE: NOTICE OF EMERGENCY MEETING OR EMERGENCY ADDITION TO AGENDA.

(a) In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added as an item to the agenda for a meeting for which notice has been posted in accordance with this subchapter is sufficient if it is posted for at least two hours before the meeting is convened.

(b) An emergency or an urgent public necessity exists only if immediate action is required of a governmental body because of:

- (1) an imminent threat to public health and safety; or
- (2) a reasonably unforeseeable situation.

(c) The governmental body shall clearly identify the emergency or urgent public necessity in the notice or supplemental notice under this section.

(d) A person who is designated or authorized to post notice of a meeting by a governmental body under this subchapter shall post the notice taking at face value the governmental body's stated reason for the emergency or urgent public necessity.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.046. EXCEPTION TO GENERAL RULE: COMMITTEE OF LEGISLATURE.

The notice of a legislative committee meeting shall be as provided by the rules of the house of representatives or of the senate.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.047. SPECIAL NOTICE TO NEWS MEDIA OF EMERGENCY MEETING OR EMERGENCY ADDITION TO AGENDA.

(a) The presiding officer of a governmental body, or the member of a governmental body

who calls an emergency meeting of the governmental body or adds an emergency item to the agenda of a meeting of the governmental body, shall notify the news media of the emergency meeting or emergency item as required by this section.

(b) The presiding officer or member is required to notify only those members of the news media that have previously:

(1) filed at the headquarters of the governmental body a request containing all pertinent information for the special notice; and

(2) agreed to reimburse the governmental body for the cost of providing the special notice.

(c) The presiding officer or member shall give the notice by telephone or telegraph.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.048. STATE GOVERNMENTAL BODY: NOTICE TO SECRETARY OF STATE; PLACE OF POSTING NOTICE.

(a) A state governmental body shall provide notice of each meeting to the secretary of state.

(b) The secretary of state shall post the notice on the Internet. The secretary of state shall provide during regular office hours a computer terminal at a place convenient to the public in the office of the secretary of state that members of the public may use to view the notice.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 622, Sec. 2, eff. Sept. 1, 1999.

Sec. 551.049. COUNTY GOVERNMENTAL BODY: PLACE OF POSTING NOTICE.

A county governmental body shall post notice of each meeting on a bulletin board at a place convenient to the public in the county courthouse.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.050. MUNICIPAL GOVERNMENTAL BODY: PLACE OF POSTING NOTICE.

A municipal governmental body shall post notice of each meeting on a bulletin board at a place convenient to the public in the city hall.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.051. SCHOOL DISTRICT: PLACE OF POSTING NOTICE.

A school district shall post notice of each meeting on a bulletin board at a place convenient

to the public in the central administrative office of the district.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.052. SCHOOL DISTRICT: SPECIAL NOTICE TO NEWS MEDIA.

(a) A school district shall provide special notice of each meeting to any news media that has:

- (1) requested special notice; and
 - (2) agreed to reimburse the district for the cost of providing the special notice.
- (b) The notice shall be by telephone or telegraph.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.053. DISTRICT OR POLITICAL SUBDIVISION EXTENDING INTO FOUR OR MORE COUNTIES: NOTICE TO PUBLIC, SECRETARY OF STATE, AND COUNTY CLERK; PLACE OF POSTING NOTICE.

(a) The governing body of a water district or other district or political subdivision that extends into four or more counties shall:

- (1) post notice of each meeting at a place convenient to the public in the administrative office of the district or political subdivision;
- (2) provide notice of each meeting to the secretary of state; and
- (3) provide notice of each meeting to the county clerk of the county in which the administrative office of the district or political subdivision is located.

(b) The secretary of state shall post the notice provided under Subsection (a)(2) on the Internet. The secretary of state shall provide during regular office hours a computer terminal at a place convenient to the public in the office of the secretary of state that members of the public may use to view the notice.

(c) A county clerk shall post the notice provided under Subsection (a)(3) on a bulletin board at a place convenient to the public in the county courthouse.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 622, Sec. 3, eff. Sept. 1, 1999.

Sec. 551.054. DISTRICT OR POLITICAL SUBDIVISION EXTENDING INTO FEWER THAN FOUR COUNTIES: NOTICE TO PUBLIC AND COUNTY CLERKS; PLACE OF

POSTING NOTICE.

(a) The governing body of a water district or other district or political subdivision that extends into fewer than four counties shall:

(1) post notice of each meeting at a place convenient to the public in the administrative office of the district or political subdivision; and

(2) provide notice of each meeting to the county clerk of each county in which the district or political subdivision is located.

(b) A county clerk shall post the notice provided under Subsection (a)(2) on a bulletin board at a place convenient to the public in the county courthouse.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.055. INSTITUTION OF HIGHER EDUCATION.

In addition to providing any other notice required by this subchapter, the governing board of a single institution of higher education:

(1) shall post notice of each meeting at the county courthouse of the county in which the meeting will be held;

(2) shall publish notice of a meeting in a student newspaper of the institution if an issue of the newspaper is published between the time of the posting and the time of the meeting; and

(3) may post notice of a meeting at another place convenient to the public.

Added by Acts 1995, 74th Leg., ch. 209, Sec. 1, eff. May 23, 1995.

SUBCHAPTER D. EXCEPTIONS TO REQUIREMENT THAT MEETINGS BE OPEN

Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.

A governmental body may not conduct a private consultation with its attorney except:

(1) when the governmental body seeks the advice of its attorney about:

(A) pending or contemplated litigation; or

(B) a settlement offer; or

(2) 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 this chapter.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.

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.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0725. COMMISSIONERS COURTS: DELIBERATION REGARDING CONTRACT BEING NEGOTIATED; CLOSED MEETING.

(a) The commissioners court of a county with a population of 400,000 or more may conduct a closed meeting to deliberate business and financial issues relating to a contract being negotiated if, before conducting the closed meeting:

(1) the commissioners court votes unanimously that deliberation in an open meeting would have a detrimental effect on the position of the commissioners court in negotiations with a third person; and

(2) the attorney advising the commissioners court issues a written determination that deliberation in an open meeting would have a detrimental effect on the position of the commissioners court in negotiations with a third person.

(b) Notwithstanding Section 551.103(a), Government Code, the commissioners court must make a tape recording of the proceedings of a closed meeting to deliberate the information.

Added by Acts 2003, 78th Leg., ch. 1287, Sec. 1, eff. June 21, 2003.

Sec. 551.073. DELIBERATION REGARDING PROSPECTIVE GIFT; CLOSED MEETING.

A governmental body may conduct a closed meeting to deliberate a negotiated contract for a prospective gift or donation to the state or 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.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING.

(a) This chapter does not require a governmental body to conduct an open meeting:

(1) to deliberate the appointment, employment, evaluation, reassignment, duties,

discipline, or dismissal of a public officer or employee; or

(2) to hear a complaint or charge against an officer or employee.

(b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0745. PERSONNEL MATTERS AFFECTING COUNTY ADVISORY BODY; CLOSED MEETING.

(a) This chapter does not require the commissioners court of a county to conduct an open meeting:

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of an advisory body; or

(2) to hear a complaint or charge against a member of an advisory body.

(b) Subsection (a) does not apply if the individual who is the subject of the deliberation or hearing requests a public hearing.

Added by Acts 1997, 75th Leg., ch. 659, Sec. 1, eff. Sept. 1, 1997.

Sec. 551.075. CONFERENCE RELATING TO INVESTMENTS AND POTENTIAL INVESTMENTS ATTENDED BY BOARD OF TRUSTEES OF TEXAS GROWTH FUND; CLOSED MEETING.

(a) This chapter does not require the board of trustees of the Texas growth fund to confer with one or more employees of the Texas growth fund or with a third party in an open meeting if the only purpose of the conference is to:

(1) receive information from the employees of the Texas growth fund or the third party relating to an investment or a potential investment by the Texas growth fund in:

(A) a private business entity, if disclosure of the information would give advantage to a competitor; or

(B) a business entity whose securities are publicly traded, if the investment or potential investment is not required to be registered under the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.), and its subsequent amendments, and if disclosure of the information would give advantage to a competitor; or

(2) question the employees of the Texas growth fund or the third party regarding an investment or potential investment described by Subdivision (1), if disclosure of the information

contained in the questions or answers would give advantage to a competitor.

(b) During a conference under Subsection (a), members of the board of trustees of the Texas growth fund may not deliberate public business or agency policy that affects public business.

(c) In this section, "Texas growth fund" means the fund created by Section 70, Article XVI, Texas Constitution.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 647, Sec. 2, eff. Aug. 30, 1999.

Sec. 551.076. DELIBERATION REGARDING SECURITY DEVICES; CLOSED MEETING.

This chapter does not require a governmental body to conduct an open meeting to deliberate the deployment, or specific occasions for implementation, of security personnel or devices.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.077. AGENCY FINANCED BY FEDERAL GOVERNMENT.

This chapter does not require an agency financed entirely by federal money to conduct an open meeting.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.078. MEDICAL BOARD OR MEDICAL COMMITTEE.

This chapter does not require a medical board or medical committee to conduct an open meeting to deliberate the medical or psychiatric records of an individual applicant for a disability benefit from a public retirement system.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0785. DELIBERATIONS INVOLVING MEDICAL OR PSYCHIATRIC RECORDS OF INDIVIDUALS.

This chapter does not require a benefits appeals committee for a public self-funded health plan or a governmental body that administers a public insurance, health, or retirement plan to conduct an open meeting to deliberate:

(1) the medical records or psychiatric records of an individual applicant for a benefit from the plan; or

(2) a matter that includes a consideration of information in the medical or psychiatric records of an individual applicant for a benefit from the plan.

Added by Acts 2003, 78th Leg., ch. 158, Sec. 1, eff. May 27, 2003.

Sec. 551.079. TEXAS DEPARTMENT OF INSURANCE.

(a) the requirements of this chapter do not apply to a meeting of the commissioner of insurance or the commissioner's designee with the board of directors of a guaranty association established under Article 9.48, 21.28-c, or 21.28-d, Insurance Code, in the discharge of the commissioner's duties and responsibilities to regulate and maintain the solvency of a person regulated by the Texas Department of Insurance

(b) The commissioner of insurance may deliberate and determine the appropriate action to be taken concerning the solvency of a person regulated by the Texas Department of Insurance in a closed meeting with persons in one or more of the following categories:

(1) staff of the Texas Department of Insurance;

(2) a regulated person;

(3) representatives of a regulated person; or

(4) members of the board of directors of a guaranty association established under Article 9.48, 21.28-C, or 21.28-D, Insurance Code.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 2001, 77th Leg., ch. 628, Sec. 1, eff. Sept. 1, 2001.

Sec. 551.080. BOARD OF PARDONS AND PAROLES.

This chapter does not require the Board of Pardons and Paroles to conduct an open meeting to interview or counsel an inmate of a facility of the institutional division of the Texas Department of Criminal Justice.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.081. CREDIT UNION COMMISSION.

This chapter does not require the Credit Union Commission to conduct an open meeting to deliberate a matter made confidential by law.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0811. THE FINANCE COMMISSION OF TEXAS.

This chapter does not require The Finance Commission of Texas to conduct an open meeting to deliberate a matter made confidential by law.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.01(a), eff. Sept. 1, 1995.

Sec. 551.0812. STATE BANKING BOARD.

This chapter does not require the State Banking Board to conduct an open meeting to deliberate a matter made confidential by law.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.01(a), eff. Sept. 1, 1995.

Sec. 551.082. SCHOOL CHILDREN; SCHOOL DISTRICT EMPLOYEES; DISCIPLINARY MATTER OR COMPLAINT.

(a) This chapter does not require a school board to conduct an open meeting to deliberate in a case:

(1) involving discipline of a public school child; or

(2) 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 a need for a hearing.

(b) Subsection (a) does not apply if an open hearing is requested in writing by a parent or guardian of the child or by the employee against whom the complaint or charge is brought.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0821. SCHOOL BOARD: PERSONALLY IDENTIFIABLE INFORMATION ABOUT PUBLIC SCHOOL STUDENT.

(a) This chapter does not require a school board to conduct an open meeting to deliberate a matter regarding a public school student if personally identifiable information about the student will necessarily be revealed by the deliberation.

(b) Directory information about a public school student is considered to be personally identifiable information about the student for purposes of Subsection (a) only if a parent or guardian of the student, or the student if the student has attained 18 years of age, has informed the school board, the school district, or a school in the school district that the directory information should not be released without prior consent. In this subsection, "directory information" has the meaning assigned by the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended.

(c) Subsection (a) does not apply if an open meeting about the matter is requested in

writing by a parent or guardian of the student or by the student if the student has attained 18 years of age.

Added by Acts 2003, 78th Leg., ch. 190, Sec. 1, eff. June 2, 2003.

Sec. 551.083. CERTAIN SCHOOL BOARDS; CLOSED MEETING REGARDING CONSULTATION WITH REPRESENTATIVE OF EMPLOYEE GROUP.

This chapter does not require a school board operating under a consultation agreement authorized by Section 13.901, Education Code, to conduct an open meeting to deliberate the standards, guidelines, terms, or conditions the board will follow, or instruct its representatives to follow, in a consultation with a representative of an employee group.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.084. INVESTIGATION; EXCLUSION OF WITNESS FROM HEARING.

A governmental body that is investigating a matter may exclude a witness from a hearing during the examination of another witness in the investigation.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.085. GOVERNING BOARD OF CERTAIN PROVIDERS OF HEALTH CARE SERVICES.

(a) This chapter does not require the governing board of a municipal hospital, municipal hospital authority, hospital district created under general or special law, or nonprofit health maintenance organization created under Section 534.101, Health and Safety Code, to conduct an open meeting to deliberate:

(1) pricing or financial planning information relating to a bid or negotiation for the arrangement or provision of services or product lines to another person if disclosure of the information would give advantage to competitors of the hospital, hospital district, or nonprofit health maintenance organization; or

(2) information relating to a proposed new service or product line of the hospital, hospital district, or nonprofit health maintenance organization before publicly announcing the service or product line.

(b) The governing board of a health maintenance organization created under Section 281.0515, Health and Safety Code, that is subject to this chapter is not required to conduct an open meeting to deliberate information described by Subsection (a).

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.02(a), eff. Sept. 1, 1995.

Amended by Acts 1997, 75th Leg., ch. 778, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch.

1229, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 7, Sec. 1, eff. Sept. 1, 2003.

Sec. 551.086. CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS.

(a) Notwithstanding anything in this chapter to the contrary, the rules provided by this section apply to competitive matters of a public power utility.

(b) In this section:

(1) "Public power utility" means an entity providing electric or gas utility services that is subject to the provisions of this chapter.

(2) "Public power utility governing body" means the board of trustees or other applicable governing body, including a city council, of a public power utility.

(3) "Competitive matter" means a utility-related matter that the public power utility governing body in good faith determines by a vote under this section is related to the public power utility's competitive activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors but may not be deemed to include the following categories of information:

(A) information relating to the provision of distribution access service, including the terms and conditions of the service and the rates charged for the service but not including information concerning utility-related services or products that are competitive;

(B) information relating to the provision of transmission service that is required to be filed with the Public Utility Commission of Texas, subject to any confidentiality provided for under the rules of the commission;

(C) information for the distribution system pertaining to reliability and continuity of service, to the extent not security-sensitive, that relates to emergency management, identification of critical loads such as hospitals and police, records of interruption, and distribution feeder standards;

(D) any substantive rule of general applicability regarding service offerings, service regulation, customer protections, or customer service adopted by the public power utility as authorized by law;

(E) aggregate information reflecting receipts or expenditures of funds of the public power utility, of the type that would be included in audited financial statements;

(F) information relating to equal employment opportunities for minority groups, as filed with local, state, or federal agencies;

(G) information relating to the public power utility's performance in contracting with minority business entities;

(H) information relating to nuclear decommissioning trust agreements, of the type required to be included in audited financial statements;

(I) information relating to the amount and timing of any transfer to an owning city's general fund;

(J) information relating to environmental compliance as required to be filed with any local, state, or national environmental authority, subject to any confidentiality provided under the rules of those authorities;

(K) names of public officers of the public power utility and the voting records of those officers for all matters other than those within the scope of a competitive resolution provided for by this section;

(L) a description of the public power utility's central and field organization, including the established places at which the public may obtain information, submit information and requests, or obtain decisions and the identification of employees from whom the public may obtain information, submit information or requests, or obtain decisions; or

(M) information identifying the general course and method by which the public power utility's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.

(c) This chapter does not require a public power utility governing body to conduct an open meeting to deliberate, vote, or take final action on any competitive matter, as that term is defined in Subsection (b)(3). Before a public power utility governing body may deliberate, vote, or take final action on any competitive matter in a closed meeting, the public power utility governing body must first make a good faith determination, by majority vote of its members, that the matter is a competitive matter that satisfies the requirements of Subsection (b)(3). The vote shall be taken during the closed meeting and be included in the certified agenda or tape recording of the closed meeting. If a public power utility governing body fails to determine by that vote that the matter satisfies the requirements of Subsection (b)(3), the public power utility governing body may not deliberate or take any further action on the matter in the closed meeting. This section does not limit the right of a public power utility governing body to hold a closed session under any other exception provided for in this chapter.

(d) For purposes of Section 551.041, the notice of the subject matter of an item that may be considered as a competitive matter under this section is required to contain no more than a general representation of the subject matter to be considered, such that the competitive activity of the public power utility with respect to the issue in question is not compromised or disclosed.

(e) With respect to municipally owned utilities subject to this section, this section shall apply whether or not the municipally owned utility has adopted customer choice or serves in a multiply certificated service area under the Utilities Code.

(f) Nothing in this section is intended to preclude the application of the enforcement and remedies provisions of Subchapter G.

Added by Acts 1999, 76th Leg., ch. 405, Sec. 45, eff. Sept. 1, 1999.

Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING.

This chapter does not require a governmental body to conduct an open meeting:

(1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or

(2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

Added by Acts 1999, 76th Leg., ch. 1319, Sec. 32, eff. Sept. 1, 1999.

Renumbered from Sec. 551.086 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(49), eff. Sept. 1, 2001.

Sec. 551.088. DELIBERATION REGARDING TEST ITEM.

This chapter does not require a governmental body to conduct an open meeting to deliberate a test item or information related to a test item if the governmental body believes that the test item may be included in a test the governmental body administers to individuals who seek to obtain or renew a license or certificate that is necessary to engage in an activity.

Added by Acts 1999, 76th Leg., ch. 312, Sec. 1, eff. Aug. 30, 1999.

Renumbered from Sec. 551.086 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(50), eff. Sept. 1, 2001.

SUBCHAPTER E. PROCEDURES RELATING TO CLOSED MEETING

Sec. 551.101. REQUIREMENT TO FIRST CONVENE IN OPEN MEETING.

If a closed meeting is allowed under this chapter, a 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 this chapter and during which the presiding officer publicly:

(1) announces that a closed meeting will be held; and

(2) identifies the section or sections of this chapter under which the closed meeting is held.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.102. REQUIREMENT TO VOTE OR TAKE FINAL ACTION IN OPEN MEETING.

A final action, decision, or vote on a matter deliberated in a closed meeting under this chapter may only be made in an open meeting that is held in compliance with the notice provisions of this chapter.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.103. CERTIFIED AGENDA OR TAPE RECORDING REQUIRED.

(a) A governmental body shall either keep a certified agenda or make a tape recording of the proceedings of each closed meeting, except for a private consultation permitted under Section 551.071.

(b) The presiding officer shall certify that an agenda kept under Subsection (a) is a true and correct record of the proceedings.

(c) The certified agenda must include:

(1) a statement of the subject matter of each deliberation;

(2) a record of any further action taken; and

(3) an announcement by the presiding officer at the beginning and the end of the meeting indicating the date and time.

(d) A tape recording made under Subsection (a) must include announcements by the presiding officer at the beginning and the end of the meeting indicating the date and time.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.104. CERTIFIED AGENDA OR TAPE; PRESERVATION; DISCLOSURE.

(a) A governmental body shall preserve the certified agenda or tape recording of a closed meeting for at least two years after the date of the meeting. If an action involving the meeting is brought within that period, the governmental body shall preserve the certified agenda or tape while the action is pending.

(b) In litigation in a district court involving an alleged violation of this chapter, the court:

(1) is entitled to make an in camera inspection of the certified agenda or tape;

(2) may admit all or part of the certified agenda or tape as evidence, on entry of a final judgment; and

(3) may grant legal or equitable relief it considers appropriate, including an order that the governmental body make available to the public the certified agenda or tape of any part of a meeting that was required to be open under this chapter.

(c) The certified agenda or tape of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3).

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

SUBCHAPTER F. MEETINGS USING TELEPHONE, VIDEOCONFERENCE, OR INTERNET

Sec. 551.121. GOVERNING BOARD OF INSTITUTION OF HIGHER EDUCATION; BOARD FOR LEASE OF UNIVERSITY LANDS.

(a) In this section, "governing board," "institution of higher education," and "university system" have the meanings assigned by Section 61.003, Education Code.

(b) This chapter does not prohibit the governing board of an institution of higher education or the Board for Lease of University Lands from holding an open or closed meeting by telephone conference call.

(c) A meeting held by telephone conference call may be held only if:

(1) the meeting is a special called meeting and immediate action is required; and

(2) the convening at one location of a quorum of the governing board or Board for Lease of University Lands is difficult or impossible.

(d) The telephone conference call meeting is subject to the notice requirements applicable to other meetings.

(e) The notice of a telephone conference call meeting of a governing board must specify as the location of the meeting the location where meetings of the governing board are usually held. For a meeting of the governing board of a university system, the notice must specify as the location of the meeting the board's conference room at the university system office. For a meeting of the Board for Lease of University Lands, the notice must specify as the location of the meeting a suitable conference or meeting room at The University of Texas System office.

(f) Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the

location of the meeting and shall be tape recorded. The tape recording shall be made available to the public.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 2003, 78th Leg., ch. 1266, Sec. 4.05, 4.06, eff. June 20, 2003.

Sec. 551.123. TEXAS BOARD OF CRIMINAL JUSTICE.

(a) The Texas Board of Criminal Justice may hold an open or closed emergency meeting by telephone conference call.

(b) The portion of the telephone conference call meeting that is open shall be recorded. The recording shall be made available to be heard by the public at one or more places designated by the board.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.124. BOARD OF PARDONS AND PAROLES.

At the call of the presiding officer of the Board of Pardons and Paroles, the board may hold a hearing on clemency matters by telephone conference call.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1997, 75th Leg., ch. 165, Sec. 12.16, eff. Sept. 1, 1997.

Sec. 551.125. OTHER GOVERNMENTAL BODY.

(a) Except as otherwise provided by this subchapter, this chapter does not prohibit a governmental body from holding an open or closed meeting by telephone conference call.

(b) A meeting held by telephone conference call may be held only if:

(1) an emergency or public necessity exists within the meaning of Section 551.045 of this chapter; and

(2) the convening at one location of a quorum of the governmental body is difficult or impossible; or

(3) the meeting is held by an advisory board.

(c) The telephone conference call meeting is subject to the notice requirements applicable to other meetings.

(d) The notice of the telephone conference call meeting must specify as the location of the

meeting the location where meetings of the governmental body are usually held.

(e) Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting and shall be tape-recorded. The tape recording shall be made available to the public.

(f) The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

Added by Acts 1995, 74th Leg., ch. 1046, Sec. 1, eff. Aug. 28, 1995.

Sec. 551.126. HIGHER EDUCATION COORDINATING BOARD.

(a) In this section, "board" means the Texas Higher Education Coordinating Board.

(b) The board may hold an open meeting by telephone conference call or video conference call in order to consider a higher education impact statement if the preparation of a higher education impact statement by the board is to be provided under the rules of either the house of representatives or the senate.

(c) A meeting held by telephone conference call must comply with the procedures described in Section 551.125.

(d) A meeting held by video conference call is subject to the notice requirements applicable to other meetings. In addition, a meeting held by video conference call shall:

(1) be visible and audible to the public at the location specified in the notice of the meeting as the location of the meeting;

(2) be recorded by audio and video; and

(3) have two-way audio and video communications with each participant in the meeting during the entire meeting.

Added by Acts 1997, 75th Leg., ch. 944, Sec. 1, eff. June 18, 1997.

Sec. 551.127. VIDEOCONFERENCE CALL.

(a) Except as otherwise provided by this section, this chapter does not prohibit a governmental body from holding an open or closed meeting by videoconference call.

(b) A meeting may be held by videoconference call only if a quorum of the governmental body is physically present at one location of the meeting, except as provided by Subsection (c).

(c) A meeting of a state governmental body or a governmental body that extends into three or more counties may be held by videoconference call only if a majority of the quorum of the governmental body is physically present at one location of the meeting.

(d) A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements prescribed by this section.

(e) The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the governmental body will be physically present and specify the intent to have a quorum present at that location, except that the notice of a meeting to be held by videoconference call under Subsection (c) must specify as a location of the meeting each location where a majority of the quorum of the governmental body will be physically present and specify the intent to have a majority of the quorum of the governmental body present at that location. In addition, the notice of the meeting must specify as a location of the meeting each other location where a member of the governmental body who will participate in the meeting will be physically present during the meeting. Each of the locations shall be open to the public during the open portions of the meeting.

(f) Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at each location specified under Subsection (e).

(g) The governmental body shall make at least an audio recording of the meeting. The recording shall be made available to the public.

(h) Each location specified under Subsection (e) shall have two-way communication with each other location during the entire meeting. Each participant in the videoconference call, while speaking, shall be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at a location of the meeting.

(i) The Department of Information Resources by rule shall specify minimum standards for audio and video signals at a meeting held by videoconference call. The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed those standards.

(j) The quality of the audio and video signals perceptible by members of the public at each location of the meeting must:

(1) meet or exceed the quality of the audio and video signals perceptible by the members of the governmental body participating in the meeting; and

(2) be of sufficient quality so that members of the public at each location of the meeting can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

(k) Without regard to whether a member of the governmental body is participating in a meeting from a remote location by videoconference call, a governmental body may allow a member of the public to testify at a meeting from a remote location by videoconference call.

Added by Acts 1997, 75th Leg., ch. 1038, Sec. 2, eff. Sept. 1, 1997.

Renumbered from Sec. 551.126 by Acts 1999, 76th Leg., ch. 62, Sec. 19.01(50), eff. Sept. 1, 1999.

Amended by Acts 2001, 77th Leg., ch. 630, Sec. 1, eff. Sept. 1, 2001.

Sec. 551.128. INTERNET BROADCAST OF OPEN MEETING.

(a) In this section, "Internet" means the largest nonproprietary cooperative public computer network, popularly known as the Internet.

(b) Subject to the requirements of this section, a governmental body may broadcast an open meeting over the Internet.

(c) A governmental body that broadcasts a meeting over the Internet shall establish an Internet site and provide access to the broadcast from that site. The governmental body shall provide on the Internet site the same notice of the meeting that the governmental body is required to post under Subchapter C. The notice on the Internet must be posted within the time required for posting notice under Subchapter C.

Added by Acts 1999, 76th Leg., ch. 100, Sec. 1, eff. Sept. 1, 1999.

Sec. 551.129. CONSULTATIONS BETWEEN GOVERNMENTAL BODY AND ITS ATTORNEY.

(a) A governmental body may use a telephone conference call, video conference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the governmental body or a private consultation with its attorney in a closed meeting of the governmental body.

(b) Each part of a public consultation by a governmental body with its attorney in an open meeting of the governmental body under Subsection (a) must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

(c) Subsection (a) does not:

(1) authorize the members of a governmental body to conduct a meeting of the governmental body by telephone conference call, video conference call, or communications over the Internet; or

(2) create an exception to the application of this subchapter.

(d) Subsection (a) does not apply to a consultation with an attorney who is an employee of the governmental body.

(e) For purposes of Subsection (d), an attorney who receives compensation for legal services performed, from which employment taxes are deducted by the governmental body, is an employee of the governmental body.

Added by Acts 2001, 77th Leg., ch. 50, Sec. 1, eff. May 7, 2001.

SUBCHAPTER G. ENFORCEMENT AND REMEDIES; CRIMINAL VIOLATIONS

Sec. 551.141. ACTION VOIDABLE.

An action taken by a governmental body in violation of this chapter is voidable.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.142. MANDAMUS; INJUNCTION.

(a) An interested person, including a member of the news media, may bring an action by mandamus or injunction to stop, prevent, or reverse a violation or threatened violation of this chapter by members of a governmental body.

(b) The court may assess costs of litigation and reasonable attorney fees incurred by a plaintiff or defendant who substantially prevails in an action under Subsection (a). In exercising its discretion, the court shall consider whether the action was brought in good faith and whether the conduct of the governmental body had a reasonable basis in law.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.143. CONSPIRACY TO CIRCUMVENT CHAPTER; OFFENSE; PENALTY.

(a) A member or group of members of a governmental body commits an offense if the member or group of members knowingly conspires to circumvent this chapter by meeting in numbers less than a quorum for the purpose of secret deliberations in violation of this chapter.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

- (1) a fine of not less than \$100 or more than \$500;
- (2) confinement in the county jail for not less than one month or more than six months; or
- (3) both the fine and confinement.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.144. CLOSED MEETING; OFFENSE; PENALTY.

(a) A member of a governmental body commits an offense if a closed meeting is not

permitted under this chapter and the member knowingly:

(1) calls or aids in calling or organizing the closed meeting, whether it is a special or called closed meeting;

(2) closes or aids in closing the meeting to the public, if it is a regular meeting; or

(3) participates in the closed meeting, whether it is a regular, special, or called meeting.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

(1) a fine of not less than \$100 or more than \$500;

(2) confinement in the county jail for not less than one month or more than six months; or

(3) both the fine and confinement.

(c) It is an affirmative defense to prosecution under Subsection (a) that the member of the governmental body acted in reasonable reliance on a court order or a written interpretation of this chapter contained in an opinion of a court of record, the attorney general, or the attorney for the governmental body.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 647, Sec. 3, eff. Aug. 30, 1999.

Sec. 551.145. CLOSED MEETING WITHOUT CERTIFIED AGENDA OR TAPE RECORDING; OFFENSE; PENALTY.

(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.146. DISCLOSURE OF CERTIFIED AGENDA OR TAPE RECORDING OF CLOSED MEETING; OFFENSE; PENALTY; CIVIL LIABILITY.

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

INTER-OFFICE MEMORANDUM

DATE: May 28, 2004

REFERENCE:
FILE NUMBER: 13/BOR/2004/AA01.005

TO: Members, Management Council

FROM: Lillian Macik, Secretary to the Board (254-867-4893)

SUBJECT: Schedule for Preparing Materials for the Texas State Technical College Board of Regents Meetings, July 23, 2004, in Marshall

The following Schedule outlines the due dates for preparing materials for the July Board of Regents meetings. Thank you for forwarding this information to the appropriate people and meeting the noted timelines.

<u>Date</u>	<u>Activity</u>
06/18/04 (Friday)	<p>Proposed minute orders, attachments, and reports due electronically to person who is responsible for appropriate Board committee, with <i>copies of all materials</i> to Board Secretary (12 noon)</p> <p>* Committee of the Whole: Barbara Selke-Kern / barbara.selke-kern@systems.tstc.edu</p> <p>* Facilities: Mike Buck / mike.buck@harlingen.tstc.edu</p> <p>* Fiscal Affairs: Susan Vonder Hoya / susan.vonderhoya@systems.tstc.edu</p> <p>* Human Resources and Development: Human Resources: Rich Morris / rich.morris@systems.tstc.edu Development: Barbara Selke-Kern / barbara.selke-kern@systems.tstc.edu</p> <p>* Instruction and Student Services: Barbara Selke-Kern / barbara.selke-kern@systems.tstc.edu</p> <p>cc: Secretary to the Board of Regents (<i>all materials</i>) Lillian Macik / lillian.macik@systems.tstc.edu</p>

Note: The presidents have authorized the following people to submit minute orders, attachments, and reports on behalf of the colleges.

- Harlingen: Gilbert Leal. In his absence, Robert Gomez, Mike Buck, Pat Hobbs, and Servando Villareal may submit materials in their areas of responsibility
- Marshall: Gary Hendricks

- Waco: Elton Stuckly, Kathy Podsednik.
- West Texas: Homer Taylor, Mike Reeser, Paul Woodfin.

07/09/04 Board agenda materials mailed to Regents and Management Council members
(Friday)

07/23/04 Board of Regents meetings, TSTC Marshall
(Friday)

Information copy: Members, Board of Regents

*RESOLUTION OF APPRECIATION
FOR
AURORA ALMEIDA GOMEZ*

WHEREAS, Aurora Almeida Gomez served with distinction and dedication as an employee of Texas State Technical College beginning September 1, 1969, through January 31, 2004; and

WHEREAS, Aurora Almeida Gomez served as Administrative Secretary to the TSTI Harlingen General Manager; the TSTI System Vice President for Development, Vice President for Human Resources, Secretary to the Board of Regents, Comptroller, Vice President for Instruction, and Vice President for Fiscal Affairs; and the TSTC System Assistant to the Chancellor and Director of Research from 1969 to 1994; and

WHEREAS, Aurora Almeida Gomez served as Executive Assistant to the Executive Director of the TSTC Foundation and the TSTC System Development Officer Manager from 1994 to 1998; and

WHEREAS, Aurora Almeida Gomez served as Assistant to the TSTC System Chancellor from 1998 through her retirement in 2004;

WHEREAS, Aurora Almeida Gomez gave of her time, energy, knowledge, and leadership for the benefit of TSTC, its students, and the communities that it serves;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Texas State Technical College System Board of Regents, meeting in regular session this 30th day of April 2004, at Waco, Texas, express their individual and collective gratitude and respect for Aurora Almeida Gomez; and

BE IT FURTHER RESOLVED, that this action shall be entered into the permanent records of the college and that this resolution shall serve as evidence that the Board of Regents, the Administration, the Faculty, the Staff, and the Student Body of the Texas State Technical College System hereby express their appreciation to Aurora Almeida Gomez and wish her well in her retirement.

Chair of the Board

Chancellor

Secretary to the Board