The Board of Trustees of the Houston Community College System held a Meeting of the Legal/Legislative Committee on Monday, March 22, 2007, at the System Administration Building, Seminar Room A, Second Floor, 3100 Main, Houston, Texas.

COMMITTEE MEMBERS PRESENT
Mills Worsham, Committee Chair
Richard Schechter, Committee Member
Diane Olmos Guzman, Committee Member
Bruce A. Austin

ADMINISTRATION
Mary Spangler, Chancellor
Doretha Eason, Executive Assistant to the Chancellor
Miles LeBlanc, General Counsel
Charles Cook, Vice Chancellor for Instruction
Margaret Ford, President, Northeast College
William Harmon, President, Central College
Remmele Young, Executive Director, Government Relations
Mike Kyme, Executive Director, Procurement

OTHERS PRESENT
Jarvis Hollingsworth, System Counsel, Bracewell & Giuliani
Mary Schneider, Federal Consultant, dBoykins Consulting
David Ross, President, Faculty Senate
Julie Gilbert, Locke, Liddell & Sapp
Other administrators, citizens, and representatives of the news media

CALL TO ORDER
Mr. Worsham called the meeting to order at 4:16 p.m. and declared the Committee convened to consider matters pertaining to the Houston Community College System as listed on the duly posted Meeting Notice.

REPORT ON STATE AND FEDERAL LEGISLATIVE ACTIVITIES
Recommendation: Administration provided an update on the State and Federal legislative activity from the consultants.

Remmele Young apprised the Committee that HCC is presently tracking 266 bills in the State legislative. He noted that Committee Substitute 381 (CS381) filed by Representative Alma Allan relating to the use of State institutions of higher education to provide training to state
agencies. The bill would ask that persons interested in receiving training would first look to higher education institutions prior to seeking training from private institutions. He informed that Trustee Austin is scheduled to testify on the bill before the Senate on Monday, March 26, 2007 and noted that Dr. Symore, Associated Vice Chancellor for Contract Training and Continue Education (CT/CE), will provide resource information for the bill.

Mr. Young also apprised that the following is pending:

- House Bill 966 on Textbook is pending in committee
- Bill allowing HCC to provide baccalaureate degrees for interior design has been presented (a status on the bill along with the bill number will be provided once information is available)
- Senate Bill 1926 filed by Senator Mario Gallegos relates to the governing board of certain Independent School Districts specially HISD and HCC in regards to running for a political office. The bill would request that elected officials for ISDs and Junior Colleges running for other political offices to resign from their current position in order to accomplish his/her goals of seeking office elsewhere. The bill is pending in Committee.

Mr. Young advised of the Governor’s Higher Education Budget Proposal. He noted that Trustee Austin attended the hearing in February 2007 for the proposal. He noted that per a note from Sarah Floerke with the Governor’s office, the proposal would have a substantial increase in funding for Community Colleges; however, the funding amount is unknown at this time.

Mr. Schechter asked how does HCC measures academically as it relates to the Governors Higher Education proposal. Dr. Cook stated that he is under the impression that HCC would measure fairly well taking into consideration the Coordinating Board’s review during the site visit. He also mentioned that students are tested at enrollment and noted that consideration has been given in taking a random sample of students nearing the core level.

Dr. Harmon inquired on the advantage for proceeding on a prioneeering bases. Dr. Cook noted that it could possibly provide additional funding and it be used as a measurement tool to show weaknesses.

Mr. Young noted that a review of what the political aspects of the proposal should be conducted.

Mr. Schechter stated that he supports the piloting efforts if administration is comfortable with experimenting with the CAP testing and there would not be an expense to the college. He recommended discussing the issue with State advisors.

Mr. Worsham recommended pursuing a meeting with Senator Young and stated that he supports the pilot program if funding will be provided where there is not an expesne to the college.
Mr. Remmele Young apprised the Committee on the House and Senate appropriations. He noted that the House is proposing $109.7 million additional funds, and the Senate is proposing $111 million.

Mr. Young apprised the Committee that a legislative appropriation request was filed in August 2006 for funding on CIP projects (Alief, Drennan Project, Northline, Public Safety Institute). He noted that a review was conducted to see if the items were included in the LLB request and noted that they were not included. He informed that the Alief Center received a hard money rider.

(Mrs. Guzman arrived at 4:43 p.m.)

DISCUSS AND/OR APPROVE FISCAL YEAR 2008 FEDERAL EARMARK REQUESTS
Recommendation: Discuss and/or approve Fiscal Year 2008 federal earmark requests to certain members of the Houston and State of Texas congressional delegation; and discuss and/or approve any other matters relevant to federal, state, and local government relations for possible recommendation to the Board for approval.

Mr. Young apprised that there are four projects approved by the Board which included the Public Safety Institute, Accelerated Nursing Proficiency Center, Minority Firefighter and EMT Recruitment/Training Program, and the Small Business Economic Development program. He apprised that requests were filed on time.

(Mr. Austin arrived at 4:45 p.m.)

Ms. Mary Schneider with dBoykins, Federal Consultants, provided a status of the federal requests. Ms. Schneider informed that requests were timely submitted and the federal staff was well educated on the requests. She noted that it is uncertain when the appropriation will take place due to the change in the House and Senate administration.

Ms. Schneider informed that Dwight Boykins visited with the House on today and was informed that there will be appropriations; however, there is no schedule as to when the appropriations will go forth or when the conference will be held.

Mr. Worsham apprised that the Board representatives were able to meet with Senators and their staff representatives in February 2007 and stated that he is comfortable that the appropriations will go forth. He noted that local delegations have promised their support as it relates to competitive grants.

Mr. Schechter asked if there has been any discussion with the Executive Branch or Department of Education. Ms. Schneider apprised that she was not aware of any contact with the Department of Education; however, she noted that there have been one-on-one discussions with education staffers for each Congressperson on how to proceed with the issue.

Mr. Austin recommended that the Chancellor develop a task force representing all the colleges as it relates to the federal requests. He noted that there is approximately 64% of the minority population of Houston reside in the inner city which would probably qualify for a significant
amount of grant funds. He stated that HCC’s efforts must be viewed as a coordinated effort and support of the population. He noted that a benchmark analysis must be completed and referred administration to the Code for Federal Domestic Assistance.

Mrs. Guzman informed that the grant department could possibly work with the lobbyist once appropriations are in place and recommended partnering with all the community colleges along the port to establish a collaboration for workforce training. Mr. Young apprised that Mrs. Guzman’s concern was a topic discussed at the Federal meetings.

Dr. Ford announced that the Public Safety Institute Phase I will be completed in four weeks. Ms. Schneider recommended inviting the new County Judge to the opening ceremony. Mr. Austin recommended that the County Commissioners are invited as well.

Mr. Schechter asked if there are any benchmarks set for legislative teams at the state level and the federal advisors that would show the college’s expectations or requests versus accomplishments. Mr. Young informed that he is not aware of any such benchmarks.

Mr. Austin noted that it was his understanding that policy planning was a responsibility of the Board.

Mr. Schechter noted that he was not referring to policy planning but was recommending the implementation of a measuring system to show how and what areas the consultants have assisted the college in accomplishing its goals. He noted that the format could simply report what was asked of the consultants and what was accomplished or not accomplished as an evaluation tool.

Mr. Worsham stated that a comparative analysis is needed in order to see the requests and accomplishments of other community colleges.

*(Mr. Schechter left at 5:19 p.m.)*

Mrs. Guzman asked for a summary of the activities utilizing the federal funds that have been appropriated for small business.

**Recommendation from the Committee:**

1. Develop benchmarks to evaluate services provided by the federal and state advisors
2. Conduct a comparative analysis that identifies like services from other community colleges
3. Provide a summary of activities with currently appropriated federal funds

Mr. Austin suggested that the recommendations posed by the Committee should also be passed through the procurement office.
Mr. Austin asked if there is a grant management process in place as required by OBM Circular.
Dr. Cook informed that there is grant management on the finance side under Finance and Administration.

Mrs. Guzman asked how Trustees are selected to speak before other government bodies.

Mr. Young apprised that the current procedure for testifying is that a notice is sent to the entire Board that a hearing request(s) has been received. The legislative body normally provides a three days notice of the hearing; however, the notice rule is often suspended. He noted that in the two most recent requests, Mr. Austin had been invited to testify on a bill that he initiated and Mr. Aiyer was requested to testify by State Representative Scott Hochberg.

Mr. Worsham stated that in a case where a Trustee is asked to testify on behalf of HCC, the request should come before the Board to allow for a consensus from the Board.

Mr. Austin stated that he agrees with the procedure recommended by the Committee Chair especially from the prospective of an instructor as it relates to the textbook policy.

Mr. Paul Colbort apprised that there is a disadvantage to this process because time constraints will not normally allow for a meeting since the notice of hearings are normally sent three days prior to the scheduled hearing and recommended that an informal board polling process is developed.

Miles LeBlanc informed that there is a concern with the Open Meetings Act as it relates to gaining a consensus from the Board.

Mr. Hollingsworth noted that if time allows, the testimony requests should be presented to the Board; however, he agrees that polling could present an issue with the Open Meetings Act.

Mr. Young cautioned that when a notice is received, he will forward it to the Board; however, there are times when a notice to testify is given two days or even a two hours prior to the hearing.

Mr. Worsham asked counsel’s opinion on adopting a procedure for responding to testifying requests and whether the Board confers with testifying on items that are not related to HCC.

Mr. Hollingsworth noted that the Board will probably refer the item back to the Legal/Legislative Committee and noted that it is more than likely a communication concern.

Mr. Worsham asked for clarification if the item could be forwarded to the Communications Committee as a item for approval. Mr. Hollingsworth recommended that the Board consider approving an immediate procedure to address the concerns at hand and develop a more detailed policy drafted out of the Communications Committee.
Mr. Austin apprised that the Government Relations Officer should be able to discuss the issue with the Committee Chair who should then make a decision. Mr. Hollingsworth stated that the procedure for handling of such requests should be discussed by the entire Board.

Dr. Harmon noted that at a former institution, there was a procedure where not only the Board but also employees were required to notify of request(s) to testify.

Mr. Worsham stated that he agrees to the developing a communication piece but also agrees to developing a format where the Trustees would state whether they are representing the College or testifying on an individual bases.

The Legal/Legislative Committee recommended that the Board adopt a communication policy relating to requests to testify before the senate and that the item is placed on the consent agenda for the Regular Board meeting scheduled for Monday, March 26, 2007.

Mr. Colbort requested that the ability to respond quickly should be included in the policy adopted.

Ms. Julie Gilbert stated that she agrees that the policy should allow for flexibility; however, she recommended that the requests should be presented to the Committee Chair.

Motion – Mrs. Guzman motioned that the Board adopt an interim procedure that allows the Legal/Legislative Committee Chair the authority to recommend a speaker to testify before any state legislative body representing HCC and when a specific Trustee is asked to testify, the Committee Chair and/or Chancellor should be notified. Mr. Worsham seconded the motion. The motion passed with a vote of 2-0.

Motion - Mrs. Guzman motioned and Mr. Worsham seconded to approve the federal earmark requests for the Public Safety Institute, Accelerated Nursing Proficiency Center, Minority Firefighter and EMT Recruitment/Training Program, and the Small Business Economic Development. Motion passed with a vote of 2-0.

ADJOURNMENT
With no further business, the meeting was adjourned at 6:09 p.m.

Recorded, transcribed, and submitted by:
Sharon Wright, Executive Administrative Assistant, Board Services

Minutes Approved: __________ April 26, 2007_________