



Notice/Agenda of February 2023 Regular Board Meeting

**The Board of Trustees
College of the Mainland
Doyle Family Administration Boardroom (A129)
Monday, February 27, 2023
1200 Amburn Road
Texas City, TX 77591**

February 2023 Regular Board Meeting of the Board of Trustees of College of the Mainland will be held Monday, February 27, 2023, beginning at 1:30 PM in the Doyle Family Administration Boardroom (A129), 1200 Amburn Road, Texas City, Texas 77591.

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. The items listed in this notice may be considered in any order at the discretion of the Chair or Board and items listed for closed session discussion may be discussed and/or approved in open session and vice versa as permitted by law.

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. **Call to Order**
2. **Pledge of Allegiance (American Flag), Texas Pledge & a Moment of Silence**
3. **Roll Call & Determination of Quorum**
4. **Minutes**
 - A. Consideration of and Possible Action to Approve the Full Board Minutes of Monday, January 23, 2023
5. **Comments from the Community**
 - A. Students
 - B. Employees
 - C. Other Citizens
6. **Constituent Leader Activity Reports**
 - A. Classified Council - Jennifer Denison
 - B. Professional Council - Alisha Lyon
 - C. Student Government Association - Matthew Coleman, SGA Historian
7. **Student Presentation - Community College Day Trip
Introduction by Dr. Helen Brewer**
8. **The Marketing and Public Affairs Department will Present the New Multi-Year COM Brand Campaign, Including Creative Ads and TV Commercial**
9. **Human Resources Items**
 - A. Appointment Nominations
 1. Consideration of and Possible Action to Approve the Appointment Nomination of Laura Schneider to the Position of Veterans School Certifying Official, Office of Veteran Success

2. Consideration of and Possible Action to Approve the Appointment Nomination of LaShawnda Roberts to the Position of Academic Advisor, Student Success Center
- B. Consideration of and Possible Action to Accept the Non-Contractual Positions Hiring Report as Written
10. **Policy**
 - A. Local Policy
 1. Consideration of and Possible Action to Approve the Revisions of COM Policies: BBB, DEC, FLBE, GDA, & GK as Presented by the Administration
 - a. BBB(LOCAL) - Board Members: Elections
 - b. FLBE(LOCAL) - Student Conduct: Alcohol and Drug Use
 - c. GDA(LOCAL) - Community Expression and Use of College Facilities: Conduct on College District Premises
 - d. GK(LOCAL) - Relations with Educational Accreditation Agencies
 - B. Legal Policy
 1. Basic District Foundation, Business and Support Services, Instruction and Student Services
 2. Explanatory Notes
11. **Consideration of and Possible Approval of the 2023-2024 Property and Casualty Insurance Renewals as Stated in the 2023-2024 Proposal Analysis for an Amount Not-to-Exceed \$2,300,000 to be Paid from FY 22-23 Operating Budget**
12. **Financial Report(s)**
 - A. Consideration of and Possible Action to Accept the January 2023 Investment and Financial Reports
13. **Consideration of and Possible Approval of the Resolution of Support for the Texas Commission on Community College Finance Recommendations**
14. **Board Report**
15. **President's Report**
 - A. Updates
 - B. Reminders/Announcements
 1. Flock the Block - Saturday, March 25th, 10:00 a.m. - 2:00 p.m.
 2. Employee Recognition Dinner - Friday, March 31st, 5:00 p.m.
 3. Board Meetings
 - March 2023 - Wednesday, March 29th, 1:30 p.m.
 - April 2023 - Monday, April 24th, 1:30 p.m.
 - May 2023 - Monday, May 22nd, 1:30 p.m.
 4. Spring Graduation - Saturday, May 13th, Abundant Life
 - C. Resignations and Retirement Report
 - D. Miscellaneous
16. **Adjournment to closed or executive session pursuant to Texas Government Code of the Open Meetings Act**

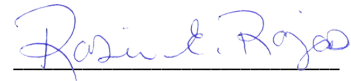
Section 551.072-deliberation regarding real property

17. **Consideration of and Possible Action on any Items Discussed in Closed Session**
18. **Adjourn**

**If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting,*

the Board reserves the right to conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E, including but not limited to the following provisions; 1)Section 551.071-consultation with attorney, 2)Section 551.072-deliberation regarding real property, 3) Section 551.073-deliberation regarding prospective gifts, 4)Section 551.074-deliberation regarding personnel matters, and/or complaints against school personnel, 5)Section 551.082-deliberation regarding student disciplinary matters and/or complaints against personnel. 6)Section 551.087-deliberation regarding economic development negotiations, and/or 7)Section 551.089 – deliberation regarding security devices or security audits. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.

The notice for this meeting was posted in compliance with the Texas Open Meeting Act on, Thursday, February 23, 2023, 3:00 P.M..



Rosie E. Rojas
Board Clerk

Administration

President Warren Nichols Ed.D.
Vice President Jerry Fliger, Ph.D.
Vice President Clen Burton, Ph.D.
Vice President Helen Brewer, Ph.D.
Vice President Lisa Watson, Ph.D.



PRESIDENT'S OFFICE

Call to Order

Call to Order on **(insert date)**
at **(insert time)**



PRESIDENT'S OFFICE

Pledge of Allegiance to the American Flag
Texas Pledge
Moment of Silence

The Texas State Flag Pledge
"Honor the Texas flag; I pledge
allegiance to thee, Texas, one state under
God, one and indivisible."



College of the Mainland
Board of Trustees
2021-2023

Dr. Bill McGarvey,
Board Chair
808 Buttonwood Dr.
Texas City, TX 77591
409-770-3537
wmcgarvey@gmail.com

Mr. Alan L. Waters,
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Mrs. Melissa Skipworth,
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Mr. Don Gartman,
Trustee
2538 Quaker Dr.
Texas City, 77590
409-739-2618
dgartman@com.edu



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 27, 2023
Subject: Full Board Minutes

Presented for recommended acceptance to Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: "I move the Board of Trustees approve the Full Board Minutes of January 23, 2023.

PURPOSE

To ensure accuracy of the monthly minutes.

BACKGROUND

Minutes are brought forward every month for approval.

IMPLICATIONS

Financial: N/A

Strategic Goal #1: Strategic Goal #5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

Human Resources: N/A

Attachments

1. Minutes of 1/23/23

College of the Mainland Board of Trustees
Minutes of Monday, January 23, 2023
1:30 p.m., Doyle Family Administration Building

Call to Order

Bill McGarvey called the meeting to order at 1:33 p.m.

Pledge of Allegiance (American Flag), Texas Pledge & a Moment of Silence

Roll Call & Determination of Quorum

Roll call indicated that all Trustees were present.

Minutes

Consideration of and Possible Action to Approve the Full Board Minutes of Tuesday, December 6, 2022

Alan Waters moved the Board of Trustees approve the Full Board Minutes of Tuesday, December 6, 2022.

Melissa Skipworth seconded the motion; all voted in approval.

Comments from the Community

There were no comments this month.

Constituent Leader Activity Reports

Faculty Senate – Dr. Elaine Childs, Faculty Senate President, updated the Board on faculty activities.

Insurance Item(s)

Consideration of and Possible Action to Approve the 2023-2024 Police Professional, Flood, Auto, Professional, General, Employee Benefit, and Cyber/Privacy Insurance Renewals

Alan Waters moved to approve the 2023-2024 police professional, flood, auto, professional, general, employee benefit, and cyber/privacy insurance renewals as stated in the 2023-2024 Proposal Analysis for an amount not-to-exceed \$185,000 to be paid from FY22-23 operating budget. Don Gartman seconded the motion; all voted in approval.

Discussion of Property Insurance - Joe Blasi, CPCU, ARM, with McGriff will Review the Current State of the Property Insurance Industry

Mr. Blasi review the current state of the property insurance industry in preparation for the insurance policies that will be presented for renewal at the February 27th BOT meeting.

Summer Workshop in Math (SWIM) - Presentation on the Second Chance Bootcamp and the Summer Workshop in Math

Dr. Rocky Barney, Dean of Instruction & Lauren Nolte, STEM Success Coach, reported on the Second Chance Bootcamp and the summer workshop in math.

Human Resources Items

Appointment Nominations

Consideration of and Possible Action to Approve the Appointment Nomination of Karen Bell to the Position of CAN Program Coordinator, Nursing Department

Melissa Skipworth moved the Board of Trustees approve the appointment nomination of Karen Bell to the position of CAN Program Coordinator, Nursing Department. Alan Waters seconded the motion; all voted in approval.

Consideration of and Possible Acceptance of the Non-Contractual Positions Hiring Report

Verna Henson moved the Board of Trustees accept the Non-Contractual Positions Hiring Report as written. Melissa Skipworth seconded the motion; all voted in approval.

Consideration of and Possible Action to Accept the College of the Mainland's Mission Statement as Presented by the Administration

Alan Waters moved the Board of Trustees accept the College of the Mainland's Mission Statement as presented by the Administration. Don Gartman seconded the motion; all voted in approval.

Election Item(s)

Consideration of and Possible Action to Adopt the Order and Resolution Calling the Community College Board of Trustees Election to be Held on May 6, 2023

Verna Henson moved the Board of Trustees approve the Order and Resolution calling the Community College Board of Trustees Election to be held on May 6, 2023. Dawn King seconded the motion; all voted in approval.

Consideration of and Possible Action to Order an Election to be Held on May 6, 2023, to Request Voter Authorization for the Issuance of General Obligation Bonds in the Amount of \$250,000,000 for Capital Projects; to Designate the Location of Polling Places and the Hours the Polls Shall be Open

Don Gartman moved that the Board of Trustees order an election to be held on May 6, 2023, to request voter authorization for the issuance of general obligation bonds in the amount of \$250,000,000 for capital projects; to designate the location of polling places and the hours the polls shall be open. Dawn King seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve an Increase with Steel Advertising for an Additional \$52,480 to be Paid from Fund Balance Project #2023-23

Don Gartman moved the Board of Trustees approve an increase with Steel Advertising for an additional \$52,480 to be paid from Fund Balance Project #2023-23. Alan Waters seconded the motion; all voted in approval.

Financial Report(s)

Consideration of and Possible Acceptance of the November 2022 Investment and the December 2022 Financial Reports

Melissa Skipworth moved the Board of Trustees accept the November 2022 Investment and Financial Reports. Don Gartman seconded the motion; all voted in approval.

Consideration of and Possible Action to Accept the November 2022 Quarterly Investment Report

Alan Waters moved to accept the November 2022 quarterly investment report. Don Gartman seconded the motion.

Board Report

Melissa Skipworth announced that the Santa Fe Chamber Annual Awards Banquet would be held on Friday, January 27th.

President's Report

Updates

Dr. Nichols reviewed the enrollment update.

Reminders/Announcements

Employee Recognition Dinner - Friday, March 31st, 5:00 p.m., COM Conference Center

Board Meetings

February 2023 - Monday, February 27th, 1:30 p.m.

March 2023 - Wednesday, March 29th, 1:30 p.m.

April 2023 - Monday, April 24th, 1:30 p.m.

Spring Graduation - Saturday, May 13th, Abundant Life

Resignations and Retirement Report – included in the board packet.

Executive Session 2:39 p.m.

Section 551.072-deliberation regarding real property

Melissa Skipworth read the paragraph allowing the Board to move into executive session.

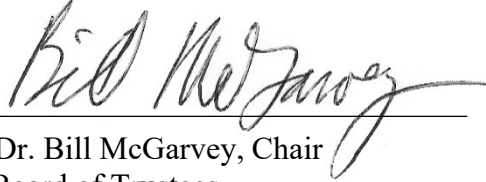
Open Session 2:58 p.m.

Upon reconvening, Alan Waters moved to adjourn the meeting. Kyle Dickson seconded the motion; all voted in approval.

Adjournment at 2:59 p.m.



Melissa Skipworth, Secretary
Board of Trustees



Dr. Bill McGarvey, Chair
Board of Trustees

Comments from the Community

A citizen desiring to appear before the Board of Trustees shall complete a Public Comment Request Form indicating the topic about which they wish to speak which shall be filed with the Board Clerk ten (10) minutes prior to the start of the meeting. Time allotted each citizen or organization shall be limited to five minutes. The total time for hearing of citizens shall be no more than 60 minutes at any one meeting. Presentation of matters concerning a complaint or charge against a College District employee or officer will be heard in closed session unless the individual who is the subject of the change or complaint requests a public hearing.

We appreciate your concerns. If the matter(s) you raise are not included on the board agenda, state law, specifically the Texas Open Meetings Act, prohibits the Board from discussing, commenting on or taking action on these issues at this board meeting. Thank you.



PRESIDENT'S OFFICE

Constituents Leader Activity Reports

- A. Professional Council – Alisha Lyon
- B. Classified Council – Jennifer Denison
- C. Student Government Association – Matthew Coleman, SGA
Historian



PRESIDENT'S OFFICE

Student Presentation – Community College Day Trip

Introduction by Dr. Helen Brewer



Community College Day at the Capitol

January 26, 2023











PRESIDENT'S OFFICE

Memorandum

To: Trustees

From: Dr. Warren Nichols

Date: February 27, 2023

Subject: COM Brand Campaign

The Marketing and Public Affairs department will present the new multi-year COM brand campaign, including creative ads and tv commercial.



COM Brand Campaign

Today's Agenda

- Campaign Goal
- What we want the world to know
- Internal positioning statement
- Brand pillars
- Brand campaign first look

Campaign Goal

To positively shape the public's awareness and perception of the College.

What We Want the World to Know

College of the Mainland is a special, transformative place.

We're a student-centered College.
(It's about our students—it always has been.)

Our students achieve successful outcomes.

We provide an affordable, best-in-class education for students, workers and citizens throughout Galveston County.

COM has incredible facilities built for a next generation learning experience.

Students are the #1 priority—
we're fanatical about providing a first-class student experience.

Internal Positioning Statement

A brand positioning statement is an internal guideline that outlines exactly what your company does, for whom and what makes you different.

The goal of a positioning statement is to align marketing efforts with the organization's brand and value proposition.

WHO	COM is
WHAT	An accredited public community college partnered with industry in the Texas Gulf Coast.
FOR WHOM	For busy, purpose-driven individuals
WHERE	In Mainland Galveston County
AGAINST WHOM	Unlike online programs and other regional community colleges
DIFFERENT HOW	Everything we do at COM is designed to make our students stand out in today's job market.
SO WHAT	So our students can have a better life

Brand Pillars and Example Supports

COM is designed to help our students stand out	Partnering with industry	Student services that empower	You can have a better life. (You can earn a better living.)
Employers like to hire COM graduates.	Industry-partnered	Comprehensive and supportive approach to student services	Have/make better life.
COM transforms students into sought-after professionals.	Responsive to the needs of the region	Help our students to grow and succeed in their classes	Earn a better living.
By design, everything at COM is focused on improving a student's marketability.	Faculty with practical industry experience	Counselors, advisors, tutors and mentors that guide and form the whole student	New financial opportunities
Push the boundaries of status quo	Professionals/graduates that employers need.	The entire team is committed to helping students transform their lives.	Always in demand
Affordable, accessible, quality education	Dedicated to the industries in the Gulf Coast region	Partner in achieving your goal(s)	Take care of your family.
Quality education and services produce quality graduates.	A vital driver of economic development	With you every step of the way	Win-win for students, employers and the community



COM Brand Campaign First Look

Advertising Channels

- **Digital**
 - Meta (Facebook / Instagram)
 - YouTube
 - Galveston Daily News Online
 - i45NOW
- **TV**
 - Cable
 - OTT Streaming
- **Print**
 - Galveston Daily News
 - The Post

Media Tactic	Tactic/Ad Unit	MARCH	APRIL	MAY	JUNE	JULY	AUG	Date(s) In Market
EffecTV - linear	:30-second							March 13-Aug 27
EffecTV - streaming	non-skippable :30 in full-episode programming and short form content							March 13, 2023–August 27, 2023
EffectTV- NCAA College Basketball Championship	30-second Spots: 43							March 14-26
Youtube	* Goal set for brand awareness and reach * :30 skippable ads using CPV bidding using TV ad							Early March
Meta Ads Facebook -Video	Video (combo of :15 and :30 ads) Bidding strategy: optimized for video views							Early March
Meta Ads Facebook- 5 Static ads	Static							Early March
Galveston Daily News- Print #1	Print branded content Sunday edition							May 14
Galveston Daily News - Online #1	Online branded content (banner) Sunday edition							May 14
The Post 1/4 Page #1	1/4 page ad							Early March
Galveston Daily News -Print #2	Print branded content Sunday edition							Early March
Galveston Daily News - Online #2	Online branded content (banner ad) Sunday edition							June 11
The Post 1/4 Page #2	¼ Page							June 11
Galveston Daily News - Print #3	Print branded content Sunday edition							July 2
Galveston Daily News - Online #3	Online branded content (banner) Sunday edition							July 9
The Post 1/4 Page #3	¼ Page							July 16
The Post 1/4 Page #4	¼ Page							August 13
Galveston Daily News - Print #4	branded content Sunday edition							Aug 6 - Back to School Edition
Galveston Daily News - Online #4	branded content (banner) Sunday edition							Aug 13 - Back to School Edition
I-45 Now	Featured posts for use in PR							TBD

REACH

— *for the* —

SKY

Ads

COM
College of the Mainland.

REACH
for the
SKY

Join the flock of
Texas graduates
who earn high
starting salaries!

com.edu

BE BOLD. FLY HIGH. JOIN THE FLOCK!

A vertical advertisement with a blue background. At the top is the COM logo in a red box. Below it, the text 'REACH for the SKY' is displayed in white, with 'for the' in a script font. A young man in a black graduation gown is shown from the chest up, holding his cap high in the air. In the bottom right, there is a call to action: 'Join the flock of Texas graduates who earn high starting salaries!'. At the bottom left is a QR code and the website 'com.edu'. A yellow banner at the bottom contains the slogan 'BE BOLD. FLY HIGH. JOIN THE FLOCK!'.

COM
College of the Mainland.

REACH
for the
SKY

BE BOLD. FLY HIGH. JOIN THE FLOCK!

A horizontal advertisement with a blue background. On the left is the COM logo in a red box. In the center, a young man in a black graduation gown is shown from the chest up, holding his cap high in the air. To the right, the text 'REACH for the SKY' is displayed in white, with 'for the' in a script font. A yellow banner at the bottom contains the slogan 'BE BOLD. FLY HIGH. JOIN THE FLOCK!'.

Signage

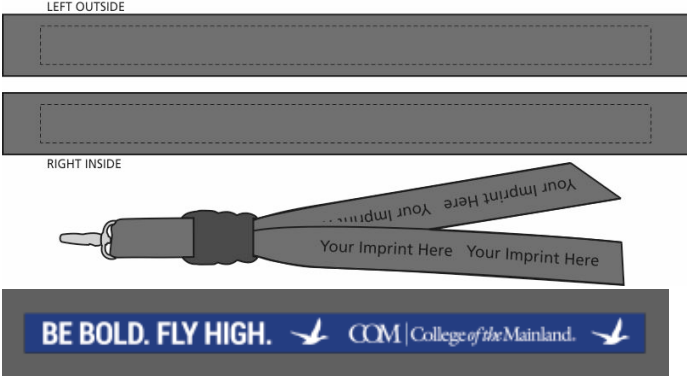
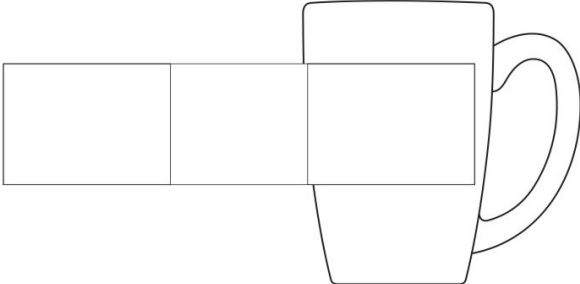


Promotional Products



FRONT

BACK



Landing Page

College of the Mainland.

REACH — for the — SKY

Join the flock of Texas graduates earning high starting salaries.

GET STARTED

BE BOLD. FLY HIGH.

Become a sought-after professional for a career that's in demand. Our partnerships with the region's fastest growing businesses puts you on the fast track to earning a great salary. And, with our low tuition costs, it's all within reach.

These are just a few of the degrees we offer that will help give you the future — and the salary — you want.

SOFTWARE DEVELOPER
\$102,000 PER YEAR


PROCESS TECHNICIAN OPERATOR
\$85,000 PER YEAR

WEB DEVELOPER
\$69,500 PER YEAR

DRAFTER
\$53,500 PER YEAR

GET STARTED

Watch our video to see how joining the flock helps make better futures for our students.



Learn more about a specific program, schedule a tour or request information. We can't wait to see you soar!

First name

Last name

Email


Phone

Tell us a little more about you

GET STARTED

COM
College of the Mainland.

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COM | College of the Mainland.



Thank you!



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 27, 2023
Subject: Recommendation – Veterans School Certifying Official (Replacement)

Presented for recommended approval to the Board of Trustees on February 27, 2023 and forwarded for recommended approval to the Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees approve the appointment of Laura Schneider to the position of Veterans School Certifying Official, Office of Veteran Success.”

PURPOSE

Responsible for the effective administration of all federal and state Veteran and Hazlewood benefits programs in a timely and accurate manner. This position is responsible for the oversight and daily operations of the Veterans Center on campus.

BACKGROUND

This is a replacement position for Detra Levige.

IMPLICATIONS

Financial: \$66,356 from budget 11-0-0000-4137-5140.

Strategic Goal 5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

ATTACHMENTS

1. Appointment Nomination



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 27, 2023
Subject: Recommendation – Academic Advisor (Replacement)

Presented for recommended approval to the Board of Trustees on February 27, 2023 and forwarded for recommended approval to the Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees approve the appointment of LaShawnda Roberts to the position of Academic Advisor, Student Success Center.”

PURPOSE

Interviews and advises students regarding information, procedures and academic requirements of a specific program or major. Assists students in exploring careers, evaluating academic abilities, and setting goals.

BACKGROUND

This is a replacement position for Ariel Scott.

IMPLICATIONS

Financial: \$51,209 from budget 11-0-0000-4103-5140.

Strategic Goal 5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

ATTACHMENTS

1. Appointment Nomination

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 27, 2023
Subject: Recommendation – Acceptance of Non-Contractual Positions Hiring Report

Presented for recommended acceptance to Board of Trustees on February 27, 2023.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees accept the *Non-Contractual Positions Hiring Report* as written.”

PURPOSE

The *Non-Contractual Positions Hiring Report* is being presented to the Board of Trustees for review and acceptance.

BACKGROUND

Notwithstanding Board policy DC (Local) which states that the Board delegates to the College President final authority to employ and dismiss non-contractual classified employees on an at-will basis, based on recommendations from the staff the persons listed on the attached Non-Contractual Positions Hiring Report is recommended for employment.

IMPLICATIONS

Financial:

Assistant Professor – English (Temporary) - \$45,660 from budget 11-0-0000-1102-5100

Theatre Box Office Manager - \$44,040 from budget 11-0-0000- 2204-5160

Strategic Goal #5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

Attachments

Non-contractual Positions Hiring Report

	POSITION	DEPARTMENT	CLASS SUMMARY	POSITION STATUS	SELECTED CANDIDATE	SALARY	SALARY RANGE
1	Assistant Professor - English (Temporary)	Humanities	Responsible for providing instruction within the appropriate department/program. Develop and revise curriculum and course work. Provide scheduled office hours for student consultation. Serve on college committees as needed and assigned. Participate in student-oriented instructional and advisement activities as needed and assigned.	Full-Time Temporary for Spring 2023	Monique Suarez	\$45,660	\$44,331 - \$57,630 - \$70,926
2	Theatre Box Office Manager	Fine Arts	Serve as primary public contact for COM Theatre events. Manage all clerical duties, patron services, and marketing for COM Theatre including communications, financial accounting, mailings, programs, promotional materials, reporting, reservations, sales, seating, and subscriptions.	Replacing retiring employee, Susan Gilbert.	Stephanie Rivera	\$44,040	\$43,437 - \$54,297 - \$65,156
3							
4							
5							
6							
7							
8							



February 2023 POLICY UPDATE

LEGAL POLICY CHANGES

BBB(LEGAL) Policies Related to Elections have been reorganized. No substantive changes have been made to them.

BD(LEGAL) *Board Meetings*. This policy has been revised to include Department of Information Resources (DIR) rules provisions on meetings held by computer-based videoconferencing applications and meetings conducted between dedicated video room environments.

CKE(LEGAL) *Insurance And Annuities Management: Workers' Compensation*. Changes to this policy include reference to links for employees regarding the Workers' Compensation Ombudsman and First Responder Liaison Programs.

LOCAL POLICY CHANGES

GDA(LOCAL) *Community Expression and Use of College Facilities: Conduct on College District Premises*. Prohibition on using, possessing, controlling, manufacturing, transmitting, distributing, selling, or being under the influence of alcohol on campus property has been added to this policy absent approval of the President. Similar language has been included in the revision to **FLBE(LOCAL)** for COM students.

GK(LOCAL) *Relations with Educational Accreditation Agencies*. This policy has been updated to include SACSCOC accrediting standards setting forth the college's responsibilities to seek approval prior to initiation of substantive, high-risk changes that impact the quality of educational programs and services. These changes include such actions which substantially change the mission or objectives of the college, changes in governance, offering courses or programs at a higher or lower degree level than currently authorized.

OTHER POLICY UPDATES

The Office of the Staff Attorney is available to answer any questions regarding these changes along with any other policy or regulation inquiries. Please contact cbrasher1@com.edu for assistance.

For more information and to read the entire texts of these and other policies visit:

<https://pol.tasb.org/Home/Index/497>



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 27, 2023
Subject: Recommendation – Approval of COM Local Policy updates

Discussion and possible action on the proposed revisions to COM Local Policies:

1. **BBB (Local)**-*Board Members: Elections*
2. **FLBE (Local)**-*Student Conduct: Alcohol and Drug Use*
3. **GDA (Local)**-*Community Expression and Use of College Facilities: Conduct on College District Premises*
4. **GK (Local)**-*Relations with Educational Accreditation Agencies*

Presented and recommended for approval to the Board of Trustees on February 27, 2023.

MINUTE ORDER

Motion To Be Acted Upon: “I move the Board of Trustees approve the revisions to COM Local Policies BBB, DEC, FLBE, GDA, and GK.”

ATTACHMENTS

- 1) BBB (Local)- Draft/Final
- 2) FLBE (Local)- Draft/Final
- 3) GDA (Local)- Draft/Final
- 4) GK (Local) – Draft/Final

BOARD MEMBERS
ELECTIONS

BBB
(LOCAL)

Election ~~Date~~ Dates

The general election of Board members shall be on the May uniform election date in an odd-numbered year.~~the second Saturday in May.~~

Membership

The Board shall consist of seven members.

~~and~~ Method of Election

Election of Board members shall be a combination of at large and by single-member districts and shall be in accordance with~~according to~~ the approved single-member district plan with five single-member districts and two at-large positions beginning with the May 6, 1995, election.

Terms and Election Schedule

-Board members in positions 1, 2, 3, 4, and 5 shall be elected from single-member districts, and Board members in positions 6 and 7 shall be elected at large. Board members shall be elected for six-year terms, with elections conducted biennially, as follows:

Positions 5 and 7

The election for positions 5 and 7 shall be held in 20234, 202930, 20356, and in six-year intervals thereafter.

Positions 1, 4, and 6

The election for positions 1, 4, and 6 shall be held in 20256, 20312, 20378, and in six-year intervals thereafter.

Positions 2 and 3

The election for positions 2 and 3 shall be held in 20278, 20334, 203940, and in six-year intervals thereafter.

BOARD MEMBERS
ELECTIONS

BBB
(LOCAL)

Election Date	The general election of Board members shall be on the May uniform election date in an odd-numbered year.
Membership	The Board shall consist of seven members.
Method of Election	Election of Board members shall be a combination of at large and by single-member districts and shall be in accordance with the approved single-member district plan with five single-member districts and two at-large positions beginning with the May 6, 1995, election.
Terms and Election Schedule	Board members in positions 1, 2, 3, 4, and 5 shall be elected from single-member districts, and Board members in positions 6 and 7 shall be elected at large. Board members shall be elected for six-year terms, with elections conducted biennially, as follows:
Positions 5 and 7	The election for positions 5 and 7 shall be held in 2023, 2029, 2035, and in six-year intervals thereafter.
Positions 1, 4, and 6	The election for positions 1, 4, and 6 shall be held in 2025, 2031, 2037, and in six-year intervals thereafter.
Positions 2 and 3	The election for positions 2 and 3 shall be held in 2027, 2033, 2039, and in six-year intervals thereafter.

Alcohol

A student shall be prohibited from using, possessing, controlling, manufacturing, transmitting, distributing, selling, or being under the influence of intoxicating beverages on College District property, in College District vehicles, classroom buildings, laboratories, auditoriums, library buildings, museums, faculty and at College District-related activities, administrative offices, intercollegiate and intramural athletic facilities, and all other public campus areas. With the prior consent of the Board or the College President, these Board's designee, the provisions herein may be waived with respect to a specific location on College District property or any specific event that is sponsored by the College District.

State law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages.

Controlled Substances

No student shall possess, use, control, manufacture, transmit, distribute, sell, or attempt to possess, use, control, manufacture, transmit, distribute, sell, or be under the influence of, any of the following substances on College District property, in premises or off premises at a College District vehicles, or at College District-related activities; -sponsored activity, function, or event:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Any abusable glue, aerosol paint, or any other volatile chemical substance for inhalation.
3. Any performance-enhancing substance, including steroids.
4. Any designer drug.
5. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances shall also be prohibited under this policy.

Exceptions

It shall not be considered a violation of this policy if the student:

1. Uses or possesses a controlled substance or drug authorized by a licensed physician through a prescription specifically for that student's use;
2. Possesses a controlled substance or drug that a licensed physician has prescribed for the student's child or other individual for whom the student is a legal guardian;

STUDENT CONDUCT
ALCOHOL AND DRUG USE

FLBE
(LOCAL)

3. Cultivates, possesses, transports, or sells hemp as authorized by law; or
4. Possesses, sells, or distributes Dextromethorphan.

Paraphernalia

The use, possession, control, manufacture, transmission, distribution, or sale of paraphernalia related to any prohibited substance is prohibited.

Violation

Students who violate this policy shall be subject to appropriate disciplinary action. [See FM and FMA] Such disciplinary action may include referral to drug and alcohol counseling or rehabilitation programs or student assistance programs, suspension, expulsion, and referral to appropriate law enforcement officials for prosecution.

Notice

Each student taking one or more classes for any type of academic credit except for continuing education units shall have access to a copy of the College District's policy prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol, a description of the applicable legal sanctions under local, state, or federal law, and a description of the health risks associated with the use of illicit drugs and the abuse of alcohol.

Alcohol

A student shall be prohibited from using, possessing, controlling, manufacturing, transmitting, distributing, selling, or being under the influence of intoxicating beverages on College District property, in College District vehicles, and at College District-related activities. With the prior consent of the Board or the College President, these provisions may be waived with respect to a specific location on College District property or a specific event that is sponsored by the College District.

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Exceptions

It shall not be considered a violation of this policy if the student:

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COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES
CONDUCT ON COLLEGE DISTRICT PREMISES

GDA
(LOCAL)

**Withdrawal of
Consent to Remain
on Campus**

In accordance with law, during a period of disruption, the College President or designee may notify a person that consent to remain on a College District campus or facility has been withdrawn for no longer than 14 days if there is reasonable cause to believe that the person willfully disrupted the orderly operation of the College District and that his or her presence on College District property will constitute a substantial and material threat to the orderly operation of the College District.

Hearing Procedures

A party from whom consent has been withdrawn may request a hearing on the withdrawal to be held in accordance with law.

Appeal

The person may appeal the outcome of the hearing through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]

**Tobacco and
E-cigarettes**

The College District prohibits the use of tobacco products and e-cigarettes on College District property, in College District vehicles, and at College District-related activities, unless authorized by the College President or designee. [See FLBD]

Exception

Tobacco and e-cigarette use is permitted in private vehicles on College District property.

Alcohol

The College District prohibits using, possessing, controlling, manufacturing, transmitting, distributing, selling, or being under the influence of intoxicating beverages on College District property, in College District vehicles, and at College District-related activities. With the prior consent of the Board or the College President, these provisions may be waived with respect to a specific location on College District property or a specific event that is sponsored by the College District.

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State law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages.

GUIDING The College District shall maintain accreditation with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). The College District shall maintain other national and state accreditations as required for specific programs.

The College District shall follow the most recent accrediting standards described in the Principles of Accreditation: Foundation for Quality Enhancement, which can be found online at <https://sacscoc.org/app/uploads/2019/08/2018PrinciplesOfAccreditation.pdf>.

SUBSTANTIVE CHANGES College of the Mainland is responsible for complying with the substantive change policy set forth by SACSCOC, available at Substantive Change Policy and Procedures (Exhibit A). All member institutions are responsible for following the policy by informing SACSCOC of changes in accord with the stated procedures and, when required, seeking approval prior to initiating that change.

DEFINITION A substantive change is a significant modification or expansion of the nature and scope of an accredited institution. Substantive change includes high-impact, high-risk changes and changes that can impact the quality of educational programs and services. SACSCOC accredits an entire institution. Accreditation extends to all programs and services of an institution wherever located and however delivered.

SUBSTANTIVE CHANGE SCOPE Under federal regulations, substantive changes include:

- Substantially changing the established mission or objectives of an institution or its programs.
- Changing the legal status, form of control, or ownership of an institution.
- Changing the governance of an institution.
- Merging / consolidating two or more institutions or entities.
- Acquiring another institution or any program or location of another institution.
- Relocating an institution or an off-campus instructional site of an institution (including a branch campus).
- Offering courses or programs at a higher or lower degree level than currently authorized.
- Adding graduate programs at an institution previously offering only undergraduate programs (including degrees, diplomas, certificates, and other for-credit credential).
- Changing the way an institution measures student progress, whether in clock hours or credit-hours; semesters, trimesters, or quarters; or time-

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based or non-time-based methods or measures.

- Adding a program that is a significant departure from the existing programs, or method of delivery, from those offered when the institution was last evaluated.
- Initiating programs by distance education or correspondence courses.
- Adding an additional method of delivery to a currently offered program.
- Entering into a cooperative academic arrangement.
- Entering into a written arrangement under 34 C.F.R. § 668.5 under which an institution or organization not certified to participate in the title IV Higher Education Act (HEA) programs offers less than 25% (notification) or 25-50% (approval) of one or more of the accredited institution's educational programs.
- Substantially increase or decreasing the number of clock hours or credit hours awarded or competencies demonstrated, or an increase in the level of credential awarded, for successful completion of one or more programs.
- Adding competency-based education programs.
- Adding each competency-based education program by direct assessment.
- Adding programs with completion pathways that recognize and accommodate a student's prior or existing knowledge or competency.
- Awarding dual or joint academic awards.
- Re-opening a previously closed program or off-campus instructional site.
- Adding a new off-campus instructional site/additional location including a branch campus.
- Adding a permanent location at a site at which an institution is conducting a teach-out program for students of another institution that has ceased operating before all students have completed their program of study.
- Closing an institution, a program, a method of delivery, an off-campus instructional site, or a program at an off-campus instructional site.

SACSCOC does not accredit individual programs, locations, or portions of an institution. However, some new programs, locations, and other institutional changes are subject to notification and/or approval as defined in Substantive Change Policy and Procedures.

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1 of 1

GUIDING NCIPLES

The College District shall maintain accreditation with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). The College District shall maintain other national and state accreditations as required for specific programs.

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A substantive change is a significant modification or expansion of the nature and scope of an accredited institution. Substantive change includes high-impact, high-risk changes and changes that can impact the quality of educational programs and services. SACSCOC accredits an entire institution. Accreditation extends to all programs and services of an institution wherever located and however delivered.

SUBSTANTIVE CHANGE SCOPE

Under federal regulations, substantive changes include:

- Substantially changing the established mission or objectives of an institution or its programs.
- Changing the legal status, form of control, or ownership of an institution.
- Changing the governance of an institution.
- Merging / consolidating two or more institutions or entities.
- Acquiring another institution or any program or location of another institution.
- Relocating an institution or an off-campus instructional site of an institution (including a branch campus).

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1 of 1

- Offering courses or programs at a higher or lower degree level than currently authorized.
- Adding graduate programs at an institution previously offering only undergraduate programs (including degrees, diplomas, certificates, and other for-credit credential).
- Changing the way an institution measures student progress, whether in clock hours or credit-hours; semesters, trimesters, or quarters; or time-based or non-time-based methods or measures.
- Adding a program that is a significant departure from the existing programs, or method of delivery, from those offered when the institution was last evaluated.
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- Entering into a cooperative academic arrangement.
- Entering into a written arrangement under 34 C.F.R. § 668.5 under which an institution or organization not certified to participate in the title IV Higher Education Act (HEA) programs offers less than 25% (notification) or 25-50% (approval) of one or more of the accredited institution's educational programs.
- Substantially increase or decreasing the number of clock hours or credit hours awarded or competencies demonstrated, or an increase in the level of credential awarded, for successful completion of one or more programs.
- Adding competency-based education programs.
- Adding each competency-based education program by direct assessment.
- Adding programs with completion pathways that recognize and accommodate a student's prior or existing knowledge or competency.
- Awarding dual or joint academic awards.
- Re-opening a previously closed program or off-campus instructional site.
- Adding a new off-campus instructional site/additional location including a branch campus.
- Adding a permanent location at a site at which an institution is conducting a teach-out program for students of another institution that has ceased operating before all students have completed their program of study.

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- Closing an institution, a program, a method of delivery, an off-campus instructional site, or a program at an off-campus instructional site.

SACSCOC does not accredit individual programs, locations, or portions of an institution. However, some new programs, locations, and other institutional changes are subject to notification and/or approval as defined in Substantive Change Policy and Procedures.

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GK(LOCAL)-AJC

ADOPTED:

1 of 1

Explanatory Notes

Community College Localized Policy Manual Update 44

College of the Mainland

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

Changes at Update 44 incorporate clarification of existing materials and new materials arising from court opinions and rule changes from the Texas Higher Education Coordinating Board and other state agencies.

B(LLEGAL)

LOCAL GOVERNANCE

This table of contents has been edited based on the reorganization of the BBB series.

BBB(LLEGAL)

BOARD MEMBERS: ELECTIONS

To accommodate the reorganization of the BBB series:

- All content from the previous Section II on Conducting an Election has been moved to BBBA; and
- All content from the previous Section III on Post-Election Procedures has been moved to BBBB.

Additional amendments are for clarity and to conform with statute.

BBBA(LLEGAL)

ELECTIONS: CONDUCTING AN ELECTION

To accommodate the reorganization of the BBB series:

- All previous content has been moved to the new BBBC;
- All previous content from Section II of BBB on Conducting an Election has been moved to this policy with limited amendments at Ballot Position for clarity; and
- A note was added to reference other legally binding determinations, including court orders, that may apply to a specific college.

BBBB(LLEGAL)

ELECTIONS: POST-ELECTION PROCEDURES

To accommodate the reorganization of the BBB series:

- All previous content has been moved to the new BBBD; and
- All previous content from Section III of BBB on Post-Election Procedures has been moved to this policy.

BBBC(LLEGAL)

ELECTIONS: REPORTING CAMPAIGN FUNDS

All previous content from BBBA has been moved to this policy without changes to accommodate the reorganization of the BBB series.

BBBD(LLEGAL)

ELECTIONS: ETHICS

All previous content from BBBB has been moved to this policy without changes to accommodate the reorganization of the BBB series.

BCB(LLEGAL)

BOARD INTERNAL ORGANIZATION: BOARD COMMITTEES

Provisions on the application of the Open Meetings Act to board committee meetings have been revised for clarity based on current legal authority.

Explanatory Notes

Community College Localized Policy Manual Update 44

College of the Mainland

BD(LLEGAL) BOARD MEETINGS

Revised Department of Information Resources rules have been added pertaining to a Meeting by Videoconference, including provisions on Meetings Held by Computer-Based Videoconferencing Applications and Meetings Conducted Between Dedicated Video Room Environments, as well as related Definitions.

CAIA(LLEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

Recently adopted Administrative Code provisions have been added addressing installment payment plans for taxes imposed on Undamaged Property in a Disaster or Emergency Area.

Additional amendments are to conform with statute.

CF(LLEGAL) PURCHASING AND ACQUISITION

A citation to the comptroller's rules for purchases of commodity items has been added at Automated Information System.

CIB(LLEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: DISPOSAL OF PROPERTY

An existing statute has been added pertaining to Surplus or Salvage Property from a State Agency.

A cross reference to CAAB addressing property acquired using federal funds has also been added.

CKE(LLEGAL) INSURANCE AND ANNUITIES MANAGEMENT: WORKERS' COMPENSATION

At Ombudsman Program, a link to the recently amended [Notice to Employees Concerning Assistance Available in the Workers' Compensation System from the Office of Injured Employee Counsel](#), has been added. The college should update its workplace signs to reflect the new language.

At First Responder Liaison, a link to the existing [Office of Injured Employee Counsel Notice Regarding First Responder Liaison to Assist in Workers' Compensation Disputes](#) has also been added.

EJB(LLEGAL) MISCELLANEOUS INSTRUCTIONAL POLICIES: RELIGION IN INSTRUCTION

A citation to *Lemon v. Kurtzman*, 403 U.S. 602 (1971) has been removed. In *Kennedy v. Bremerton School District*, 142 S.Ct. 2407 (2022), the U.S. Supreme Court stated that *Lemon* and the test it established had been abandoned by the Court.

FEA(LLEGAL) FINANCING EDUCATION: FINANCIAL AID AND SCHOLARSHIPS

At Selective Service Status, recent amendments to the Administrative Code addressing state financial aid requirements regarding selective service registration have been added.

FEB(LLEGAL) FINANCING EDUCATION: WORK STUDY

Recent amendments to the Administrative Code have been added addressing the Transfer of funds between the Texas College Work-Study and Texas Educational Opportunity Grant programs.



PRESIDENT'S OFFICE

MEMORANDUM

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 27, 2023
Subject: TASB Legal Policy Update 44

Included for review and information are TASB issued updates to legal policies related to Basic District Foundations, Business and Support Services, Instruction, and Student Services.

ATTACHMENTS

1. TASB Update 44 – Legal Policies *Basic District Foundations, Business and Support Services, Instruction, and Student Services*
2. Explanatory Notes – Legal Policies

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SOME POLICY TITLES ARE INCLUDED FOR FUTURE EXPANSION

SECTION B: LOCAL GOVERNANCE

BA	BOARD LEGAL STATUS
BAA	Powers, Duties, Responsibilities
BB	BOARD MEMBERS
BBA	Eligibility/Qualifications
BBB	Elections
BBBA	Conducting an Election
BBBB	Post-Election Procedures
BBBC	Reporting Campaign Funds
BBBB BBBD	Ethics
BBC	Vacancies and Removal From Office
BBD	Orientation and Training
BBE	Authority
BBF	Ethics
BBFA	Conflict of Interest Disclosures
BBFB	Prohibited Practices
BBG	Compensation and Expenses
BBH	Conventions, Conferences, and Workshops
BBI	Technology Resources and Electronic Communications
BC	BOARD INTERNAL ORGANIZATION
BCA	Board Officers and Officials
BCAA	Method of Election
BCAB	Duties and Requirements of Board President
BCAC	Duties and Requirements of Vice President
BCAD	Duties and Requirements of Secretary
BCB	Board Committees
BCC	Attorney
BCD	Consultants
BCE	Advisory Committees
BCG	Board Evaluation
BD	BOARD MEETINGS
BDA	Closed Meetings
BDB	Public Participation
BE	POLICY AND BYLAW DEVELOPMENT
BF	CHIEF EXECUTIVE OFFICER
BFA	Qualifications and Duties
BFB	Contract
BFC	Termination of Employment
BFD	Retirement or Resignation
BFE	Evaluation

DATE ISSUED: ~~4/14/2015~~ [10/26/2022](#)

UPDATE ~~3044~~

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SOME POLICY TITLES ARE INCLUDED FOR FUTURE EXPANSION

SECTION B: LOCAL GOVERNANCE

BG	ADMINISTRATIVE ORGANIZATION PLAN
BGA	Organization Charts
BGB	Line and Staff Relations
BGC	Councils and Faculty Senates
BH	ADMINISTRATIVE RULES AND REGULATIONS
BI	REPORTS

Officer's Statement

I, _____, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Tex. Const. Art. XVI, Sec. 1(b)

Oath of Office

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of board trustee for the _____ Junior/Community College District of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God."

Tex. Const. Art. XVI, Sec. 1(a)

Note: For other election information, including election forms, calendars, and other election resources, see the Secretary of State Elections Division website.¹

¹ Secretary of State Elections Division: <https://www.sos.texas.gov/elections/laws/local-laws.shtml>

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**Section I: Elections
Generally**

**General Election
Dates**

Each general or special election in this state, including each election of members of a college district board of trustees, shall be held on one of the following dates:

1. The first Saturday in May in an odd-numbered year.
2. The first Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county.
3. The first Tuesday after the first Monday in November.

Election Code 41.001

The governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on a date other than the November uniform election date may, not later than December 31, 2016, change the date on which it holds its general election for officers to the November uniform election date. *Election Code 41.0052(a)*

**Publication of
Election Date and
Location Online**

A political subdivision, including a college district, with the authority to impose a tax that maintains a publicly accessible internet website shall post on a publicly accessible internet website the date and location of the next election for officers of the political subdivision. [See also [Election Notice, below BBBB](#)] *Gov't Code 2051.201(a), (b)(3)*

**Joint Elections
Administrator**

A political subdivision, including a college district, may seek to create the position of joint elections administrator under Election Code Chapter 31, Subchapter F. *Election Code 31.152*

Membership

The number of members or trustees of the governing board shall be either seven or nine, in accordance with the laws applicable to the junior college district on the effective date of the Education Code or on the date of the creation of a new district or a new board. *Education Code 130.082(d)*

**Weatherford
College**

Notwithstanding any other law, in addition to the members of the board of trustees of the Weatherford Junior College District elected or appointed under other provisions of Education Code Chapter 130, Subchapter E, the commissioners court of each county in which a branch campus of the district is located and that imposed a branch campus maintenance tax under Education Code 130.253 on September 1, 2017, shall appoint one member to serve on the district's board of trustees.

Members of the board of trustees appointed under Education Code 130.0828 serve two-year terms and may be appointed to serve successive terms. The commissioners court shall appoint initial members to serve a term beginning December 1, 2017.

A member of the board of trustees appointed under Section 130.0828 may participate in the decision-making of the board to the same extent as any other member of the board, including by voting on any budget that affects the entire district, except that a member of the board of trustees appointed under Section 130.0828:

1. May not participate in the decision-making of the board in matters related to the imposition of a tax or an issue that only affects a campus located in the junior college district;
2. Is not counted for purposes of determining whether a quorum of the board is present for the purpose of item 1; and
3. May not serve as an officer of the board of trustees.

Education Code 130.0828(a)–(d)

Increase in
Membership

Any seven-member board may be increased to nine, and the two additional members shall be appointed by resolution or order of the board for terms of office as prescribed in Education Code 130.082(e). *Education Code 130.082(d)*

*Trinity Valley
Community
College*

In accordance with Education Code 130.08285, the governing board of the Trinity Valley Community College District may by resolution or order of the governing board increase the number of board members to 11. *Education Code 130.08285(a)*

Terms

The basic term of office of a member of the board shall be six years. *Education Code 130.082(e)*

Methods of Election

~~Election~~Members of a board ~~members~~ shall be ~~by~~elected at-large ~~positions~~from each junior college district at regular elections to be called and held by the board for such purpose, except as otherwise provided by law. *Education Code 130.082(f), (h)*

At-Large Positions

One-third of the members of the board shall be elected at large in the college district at regular elections in accordance with Education Code 130.082(e)–(g), provided that with a seven-member board two members shall be elected in two consecutive even-numbered years and three members shall be elected in the following even-numbered year. *Education Code 130.082(e)–(g)*

The board shall designate a number for the position held by each member of the board. At each election, candidates shall be voted upon and be elected separately for each position on the board. *Education Code 130.082(g)*

Single-Member
Districts Generally

Board Order

The board of trustees of a junior college district may order that all or a majority of the trustees of the district be elected from single-member trustee districts. The order must be entered not later than the 120th day before the day of the first election of trustees from single-member trustee districts. *Education Code 130.0822(a)–(b)*

Trustee Districts

If the board orders that trustees shall be elected from single-member trustee districts, the board shall divide the junior college district into the appropriate number of trustee districts, based on the number of members of the board that are to be elected from single-member districts, and shall number each trustee district.

The trustee districts must be compact and contiguous and must be as nearly as practicable of equal population according to the last preceding federal census. Trustee districts must be drawn not later than the 90th day before the day of the first election of trustees from single-member districts.

The board may provide for trustees holding office on the date of the initial election of trustees from single-member districts to serve the remainder of their terms and to represent a trustee district for that term without having residency in that trustee district.

Unless the board has made provision for trustees to complete their term, as described above, residents of each trustee district are entitled to elect one trustee to the board. A candidate for trustee must be a resident of the trustee district the candidate seeks to represent. The trustee vacates the office if the trustee ceases to reside in the trustee district the trustee represents.

Education Code 130.0822(d)–(h)

Redistricting

Not later than the 90th day before the day of the first regular junior college trustee election at which trustees may officially recognize and act on the last preceding federal census, the board shall redivide the district into the appropriate number of trustee districts if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than ten percent. Redivision of the district shall be in the manner provided for the initial division of the district.

After each redistricting, all positions on the board shall be filled unless the board of trustees determines that trustees shall be elected from the new trustee districts as provided by Education Code 130.0826. The trustees then elected shall draw lots for staggered terms as provided by Education Code 130.082.

Education Code 130.0822(j)–(k)

The board of trustees of any junior college district that elects some or all of its members from single-member districts and in which the trustees serve staggered terms may provide for the trustees in office at the first election after the junior college district is redistricted to serve for the remainder of their terms in accordance with Education Code 130.0826.

If the board of trustees provides for the trustees in office to serve for the remainder of their terms in accordance with Section 130.0826, the trustee districts established by the redistricting plan shall be filled as the staggered terms of trustees in office expire. When the board of trustees adopts a redistricting plan, the board shall determine from which new trustee district the position of each trustee in office will be filled as it becomes vacant.

Section 130.0826 does not authorize a trustee of a junior college district to continue in office after a redistricting plan takes effect if the member no longer resides in the district from which the board member was elected.

Education Code 130.0826

Applicability

This method of election does not apply to a junior college district to which Education Code 130.081, 130.083, 130.0821, or 130.088 applies, or to a junior college district required by other law to elect trustees from single-member districts. This method of election does not apply to the election of trustees in any district in which the election of trustees is governed by a court order so long as that order remains in effect. *Education Code 130.0822(l)*

*Single-Member
Districts in
Certain Counties*

The members of the governing board of a countywide community college district that contains a city with a population of more than 384,500 residents shall be elected from single-member trustee districts in accordance with Education Code 130.0821. *Education Code 130.0821(a)*

*Election by
Position*
Certain College
Districts

The governing board of a junior college that elects a governing board of seven members, with four members elected from respective commissioner precincts and three members elected at large, may order that the board members elected at large be elected instead by position. The order must be entered not later than the 120th day before the first election of a trustee by position. The board may provide for trustees holding office on the date of the initial election of board members by position to serve the remainder of their terms and to represent a position for that term.

The board of trustees of a district with a population greater than one million may require that an application filed by a person desiring election to a numbered position on the board be accompanied

by a filing fee not to exceed \$200 or, instead of the filing fee, a petition signed by a number of registered voters of the district not to exceed 200 as determined by the board.

Education Code 130.044(g), .0823

Paris Junior College

In accordance with Education Code 130.0829, the governing board of the Paris Junior College District may provide by resolution or order of the board for the election of nine board members, eight members elected from respective commissioner precincts and evenly allocated among those precincts and one member elected at large. *Education Code 130.0829*

**Boundary Change
Notice**

A political subdivision, including a college district, that changes its boundaries or the boundaries of districts used to elect members to the governing body of the political subdivision shall not later than the 30th day after the date the change is adopted:

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and
2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

Election Code 42.0615

**Notice of Voting
Rights**

The secretary of state shall adopt rules providing for publicizing voters' rights as prescribed by Election Code 62.0115. The rules must require that a notice of those rights be publicized by being posted by an election officer in a prominent location at each polling place, on the internet website of the secretary of state, through material published by the secretary of state, or in another manner designed to give voters notice of their rights.

The secretary of state shall prescribe the form and content of the notice. A notice informing voters of the secretary of state's toll-free telephone number to allow a person to report an existing or potential abuse of voting rights and the purpose for the number shall be included in the notice of voters' rights.

Election Code 31.0055, 62.0115

**Delivery or
Submission of
Election Documents**

Unless otherwise provided by the Election Code, when the Election Code provides for delivery, submission, or filing of an application, notice, report, or other document or paper with an authority having administrative responsibility under the Election Code, a delivery, submission, or filing with an employee of the authority at the au-

thority's usual place for conducting official business constitutes filing with the authority. The authority to whom a delivery, submission, or filing is required by the Election Code to be made may accept the document or paper at a place other than the authority's usual place for conducting official business.

A delivery, submission, or filing of a document or paper under the Election Code may be made by personal delivery, mail, telephonic facsimile machine, email, or any other method of transmission.

Election Code 1.007

**Section II:
Conducting an
Election**

~~Election Services~~

~~If requested to do so by a political subdivision, including a college district, the county elections administrator shall enter into a contract to furnish the election services requested, as set forth at Election Code Chapter 31, Subchapter D. A county elections administrator is not required to enter into a contract to furnish election services for an election held on the first Saturday in May in an even-numbered year. Election Code 31.093(a), 41.001(d)~~

~~Election Order~~

~~The governing body of a political subdivision, including a college district board of trustees, shall order the election. For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day.~~

~~Each election order must designate and state the location of the main early voting polling place and must state the date of the election; the offices or measures to be voted on; the date that early voting will begin if the early voting period is to begin later than the prescribed date; the dates and hours that early voting will be conducted; the dates and hours that early voting on Saturday and Sunday is ordered to be conducted; the early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different; and the early voting clerk's phone number, email address, and internet website, if the early voting clerk has an internet website. The authority ordering an election shall preserve the order, proclamation, or other document ordering the election, in an election involving a federal office, for at least 22 months after election day in accordance with federal law or, in an election not involving a federal office, for at least six months after election day.~~

~~Election Code 3.004, .005(c), .006, .008, 66.058(a), 83.010, 85.004, .007~~

~~Failure to Order
an Election~~

~~Failure to order a general election does not affect the validity of the election. Election Code 3.007~~

~~Election Notice~~

~~Contents~~

~~The notice of a general or special election must state:~~

- ~~1.—The nature and date of the election;~~
- ~~2.—The location of each polling place;~~
- ~~3.—The hours the polls will be open;~~
- ~~4.—The internet website of the authority conducting the election;~~
- ~~5.—For early voting:
 - ~~a.—The designated location of the main early voting polling place, as determined under Election Code 85.002;~~
 - ~~b.—The date that early voting will begin if under Education Code 85.001(d) the early voting period is to begin later than the prescribed date;~~
 - ~~c.—The regular dates and hours that early voting will be conducted;~~
 - ~~d.—The dates and hours that voting on Saturday and Sunday is ordered to be conducted; and~~
 - ~~e.—The early voting clerk's official mailing address.~~~~
- ~~6.—The numbers of the positions to be filled;~~
- ~~7.—The candidates for each position; and~~
- ~~8.—Any other matters deemed necessary or advisable.~~

~~When the Election Code requires notice of a polling place location, the written notice must state the building name, if any, and the street address, including the suite or room number, if any, of the polling place.~~

~~Election Code 1.021, 4.004(a), 83.010, 85.004, .007; Education Code 130.082(f)~~

~~Notice of
Special Election~~

~~The notice of a special election must also state each office to be filled or the proposition stating each measure to be voted on. Election Code 4.004(b)~~

~~Publication~~

~~Notice of the election shall be given by publishing the notice at least once, not earlier than the 30th day or later than the tenth day before election day in a newspaper published in the territory that is covered by the election and is in the jurisdiction of the authority responsible for giving the notice or in a newspaper of general circulation in the territory if none is published in the jurisdiction of the authority responsible for giving the notice.~~

~~If notice of an election is given by publication, the authority responsible for giving the notice shall retain a copy of the published notice~~

	<p>that contains the name of the newspaper and the date of publication. The records shall be preserved by the authority to whom they are distributed for at least 22 months after election day.</p> <p><i>Election Code 4.003(a)(1), .005(a), 66.058(a); Education Code 130.082(f)</i></p>
<p><i>Posting</i></p>	<p>In addition to the notice described above, not later than the 21st day before election day, a county shall post a copy of a notice of the election given by the county or provided to the county by a political subdivision under Election Code 4.008(a), which must include the location of each polling place, on the county's internet website, if the county maintains a website. An authority responsible for giving notice of an election may post a copy of the notice on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves. If a county does not maintain a website, the authority responsible for giving notice of the election shall post a copy of a notice of the election on the bulletin board used for posting notices of meetings of the governing body of the political subdivision that the authority serves. The notice must remain posted continuously through election day. The notice must include the location of each polling place. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the authority responsible for giving the election notice after the last posting is made. <i>Election Code 4.003(b), .005(b)</i></p>
<p><i>Early Voting</i></p>	<p>Any notice required under Election Code 85.007 must also be posted on the internet website of the authority ordering the election, if the authority maintains a website. <i>Election Code 85.007(d)(1)</i></p>
<p><i>Notice to the County Clerk and Voter Registrar</i></p>	<p>The governing body of a political subdivision, other than a county, that orders an election shall also deliver notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day. <i>Election Code 4.008(a)</i></p>
<p><i>Notice to Election Judge</i></p>	<p>Not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later, the authority responsible for giving notice of the election shall deliver to the presiding judge of each election precinct in which the election is to be held in the authority's jurisdiction a written notice of:</p> <p>1.—The nature and date of the election;</p>

	<p>2.—The location of the polling place for the precinct served by the judge;</p> <p>3.—The hours that the polls will be open;</p> <p>4.—The judge's duty to hold the election in the precinct specified by the notice; and</p> <p>5.—The maximum number of clerks that the judge may appoint for the election.</p> <p><i>Election Code 4.007</i></p>
<i>Failure to Give Notice of Election</i>	Failure to give notice of a general election does not affect the validity of the election. <i>Election Code 4.006</i>
Filing Information	The authority with whom an application for a place on the ballot must be filed shall post notice of the dates of the filing period in a public place in a building in which the authority has an office not later than the 30th day before the first day on which a candidate may file the application. An authority shall designate an email address in the notice for the purpose of filing an application for a place on the ballot under Election Code 143.004. <i>Election Code 141.040</i>
<i>Notice to Candidates</i>	
<i>Publication of Filing Information Online</i>	A political subdivision, including a college district, with the authority to impose a tax that maintains a publicly accessible internet website, shall post on a publicly accessible internet website the requirements and deadline for filing for candidacy of each elected office of the political subdivision, which shall be continuously posted for at least one year before the election day for the office. <i>Gov't Code 2051.201(a), (b)(4)</i>
<i>General Election</i>	An application for a place on the ballot may not be filed earlier than the 30th day before the date of the filing deadline. Any resident, qualified elector of a junior college district may have his or her name placed as a candidate on the official ballot for any position to be filled at each regular election by filing a written application, signed by the candidate, with the secretary of the board not later than 5:00 p.m. of the 78th day before election day, if the election is to be held on a uniform election date. <i>Education Code 130.082(g); Election Code 144.005</i>
<i>Special Election</i>	An application for a place on a special election ballot may not be filed before the election is ordered.
	An application must be filed not later than:
	1.—5:00 p.m. of the 62nd day before election day if election day is on or after the 70th day after the election is ordered; or

	<p>2. 5:00 p.m. of the 40th day before election day if election day is on or after the 46th day and before the 70th day after the date the election is ordered.</p>
<p>Exception</p>	<p><i>Election Code 201.054(a), (d)</i></p> <p>For a special election to be held on the date of the general election for state and county officers (the November uniform election date of even-numbered years), the filing deadline is 6:00 p.m. of the 75th day before election day. <i>Election Code 201.054(f)</i></p>
<p>Write-In Candidacy</p>	<p>In a general or special election for members of the governing body of a junior college district, a write-in vote may not be counted for a person unless the person has filed a declaration of write-in candidacy with the secretary of the board of trustees in the manner provided for write-in candidates in the general election for state and county officers. A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the 74th day before election day, if the election is to be held on a uniform election date.</p> <p>A declaration of write-in candidacy for a special election must be filed not later than the filing deadline prescribed by Election Code 201.054.</p> <p>A write-in candidate may not withdraw from the election after the 71st day before election day.</p> <p><i>Education Code 130.0825(a)-(b); Election Code 146.054, 201.054(g)</i></p>
<p>Application</p>	<p>The application must state the number of the position for which the person is a candidate or the name of the incumbent member of the board holding the position for which the person desires to run. The application shall include all statutorily required information, including that found at Election Code 141.031 and 141.039, such as an oath and a statement that the candidate is aware of the nepotism law. [See BBBB] The candidate shall be eligible to run for only one position at each election. <i>Education Code 130.082(g); Election Code 31.0021, 141.031, .039</i></p>
<p>Withdrawal</p>	<p>To withdraw from an election, a candidate whose name is to appear on the ballot must request that the candidate's name be omitted from the ballot in accordance with Election Code 145.001. <i>Election Code 145.001(a)</i></p>
<p>Deadline</p>	<p>A candidate may not withdraw from an election after 5:00 p.m. of the fifth day after the deadline for filing the candidate's application for a place on the ballot. <i>Election Code 145.092(a)</i></p>
<p>Exceptions</p>	

	<p>A candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5:00 p.m. of the 62nd day before election day may not withdraw from the election after 5:00 p.m. of the 57th day before election day.</p> <p>A candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5:00 p.m. of the 78th day before election day may not withdraw from the election after 5:00 p.m. of the 71st day before election day.</p> <p>A candidate in a runoff election may not withdraw from the election after 5:00 p.m. of the third day after the date of the final canvass for the main election.</p> <p><i>Election Code 145.092(b), (d), (f)</i></p>
Late Request	<p>If a candidate files a withdrawal request after the deadline prescribed by Election Code 145.092, and the candidate complies with each requirement under Election Code 145.001 except that the candidate's filing to withdraw is untimely, the authority responsible for preparing the ballots may choose to omit the candidate from the ballot if at the time the candidate files the withdrawal request:</p> <ol style="list-style-type: none">1.—The ballots have not been prepared; and2.—If using a voting system to which Election Code Chapter 129 applies, public notice of the test of logic and accuracy has not been published.
Death of Candidate	<p><i>Election Code 145.098(a)</i></p> <p>If a candidate dies on or before the deadline for filing an application for a place on the ballot:</p> <ol style="list-style-type: none">1.—The authority responsible for preparing the ballots may choose to omit the candidate from the ballot; and2.—If the authority omits the candidate's name as described above, the filing deadline for an application for a place on the ballot for the office sought by the candidate is extended until the fifth day after the filing deadline.
Election of Unopposed Candidate	<p><i>Election Code 145.098(b)</i></p> <p>The board may declare each unopposed candidate elected if each candidate for an office that is to appear on the ballot is unopposed.</p> <p>For purposes of determining whether all offices on a ballot are unopposed, a special election of a political subdivision, including a college district, is considered to be a separate election with a separate ballot from:</p>

	<p>1. A general election for officers of the political subdivision held at the same time as the special election; or</p> <p>2. Another special election of the political subdivision held at the same time as the special election.</p> <p><i>Election Code 2.051(a)</i></p>
<i>Single-Member Districts</i>	<p>In the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, the unopposed candidate procedures apply to the election in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed and no opposed at-large race is to appear on the ballot. <i>Election Code 2.051(b)</i></p>
<i>Procedure for Canceling Election</i>	<p>The authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted.</p> <p>The certification shall be delivered to the governing body of the political subdivision as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates.</p> <p><i>Election Code 2.052(a)-(b)</i></p>
<i>Exception</i>	<p>A certification may be made following the filing of a withdrawal request by a candidate after the deadline prescribed by Election Code 145.092, above, if:</p> <ol style="list-style-type: none">1. The withdrawal request is valid except for the untimely filing;2. Ballots for the election have not been prepared; and3. The conditions for certification under Election Code 2.052(a) are otherwise met. <p>The certification shall be delivered to the governing body of the political subdivision as soon as possible.</p> <p><i>Election Code 2.052(c)-(d)</i></p>
<i>Declaration of Election</i>	<p>On receipt of the certification, the governing body of the political subdivision by order or ordinance shall declare each unopposed candidate elected to the office. If the board makes such a declaration, the election is not held.</p> <p>If no election is to be held on election day by the political subdivision, a copy of the order shall be posted on election day at each polling place used or that would have been used in the election.</p>

	<p>The ballots used at the separate election held at the same time as an election that would have been held if the candidates were not declared elected under this section shall include the offices and names of the candidates declared elected under this section listed separately after the measures or contested races in the separate election, under the heading "Unopposed Candidates Declared Elected." The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the unopposed candidates.</p>
<i>Ballot</i>	<p><i>Election Code 2.053(a)-(c)</i></p> <p>The ballot shall be printed in the form required by law. <i>Election Code 52.061-.064, .069, .093-.094</i></p>
<i>Ballot Position</i>	<p>The location on the ballot of the names of the candidates for each position shall be chosen by lot by the board. The candidate shall be eligible to run for only one position in each election. <i>Education Code 130.082(g)</i></p>
<i>Propositions</i>	<p>Except as otherwise provided by law, the authority ordering the election shall prescribe the wording of a proposition that is to appear on the ballot. A proposition shall be printed on the ballot in the form of a single statement and may appear on the ballot only once.</p> <p>If an election of officers is contingent on the adoption of a proposition appearing on the same ballot, the proposition shall appear on the ballot before the listing of offices. Otherwise, in an election in which an office and a measure are to be voted on, each proposition stating a measure shall appear on the ballot after the listing of offices.</p> <p>Except as otherwise provided by law, the authority ordering an election in which more than one measure is to be voted on shall determine the order in which the propositions are to appear on the ballot.</p> <p>Each political subdivision's proposition on the ballot shall be assigned a unique number or letter on the ballot as follows:</p> <ol style="list-style-type: none">1. Except as provided by item 2, for each proposition on the ballot, the authority ordering the election shall assign a letter of the alphabet to the measure that corresponds to its order on the ballot; and2. For each proposition on the ballot to be voted on statewide, the authority ordering the election shall assign a number to the measure that corresponds to its order on the ballot.

	<p>Each proposition on the ballot must identify the name of the authority ordering the election on the measure.</p> <p><i>Election Code 52.072(a)–(d), .095(a)–(c)</i></p>
Election Judges and Clerks	<p>The board shall appoint election judges and set the maximum number of election clerks. The judges and clerks shall be selected and serve in accordance with Election Code Chapter 32. <i>Election Code Chapter 32</i></p> <p>The nepotism prohibitions [see DBE] do not apply to appointment of an election clerk under Election Code 32.031 who is not related in the first degree by consanguinity or affinity to an elected official of the authority that appoints the election judges for that election. <i>Gov't Code 573.061(8)</i></p>
Polling Places	<p>The governing body of each political subdivision authorized to hold elections, other than a county, shall designate the location of the polling place for each of its election precincts. Each polling place shall be accessible to and usable by the elderly and persons with physical disabilities. <i>Election Code 43.004, .034</i></p>
Use of County Election Precincts	<p>The county election precincts are the election precincts for the following elections:</p> <ol style="list-style-type: none">1.—The general election for state and county officers;2.—A special election ordered by the governor;3.—A primary election;4.—A countywide election ordered by the commissioners court, county judge, or other county authority, except an election subject to Election Code 42.062(2); and5.—As provided by Election Code 42.0621, any other election held by a political subdivision, including college districts, on a uniform election date. <p><i>Election Code 42.002(a)</i></p> <p>In an election held on the November uniform election date, the political subdivisions to which Election Code 42.002(a)(5) applies shall use the regular county election precincts. If a political subdivision holds an election on a uniform election date and is required to use the regular county election precincts, the political subdivision shall designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the political subdivision. <i>Election Code 42.0621(a), 43.004(b)</i></p>

~~Polling Place for
Early Voting~~

~~The following provision applies to an election held by a political subdivision, other than a county, on the November uniform election date in which the political subdivision:~~

- ~~1. Is not holding a joint election with a county in accordance with Election Code Chapter 271; and~~
- ~~2. Has not executed a contract with a county elections officer under which the political subdivision and the county share early voting polling places for the election.~~

~~The political subdivision shall designate as an early voting polling place for the election an eligible county polling place located in the political subdivision and may not designate as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the political subdivision is designated as an early voting polling place by the political subdivision.~~

~~A shared polling place established under this section that is designated as a main early voting polling place by any political subdivision must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place under Election Code 85.002 for the political subdivision making the designation.~~

~~“Eligible county polling place” means an early voting polling place established by a county.~~

~~*Election Code 85.010*~~

~~Temporary
Branch~~

~~County
Population
100,000 or
More~~

~~The following provision applies only to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, the provision applies if the sum of the populations of the counties is 100,000 or more.~~

~~Early voting by personal appearance at each temporary branch polling place shall be conducted on the days that voting is required to be conducted at the main early voting polling place under Election Code 85.005 and remain open for at least:~~

- ~~1. Eight hours each day; or~~
- ~~2. Three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.~~

~~*Election Code 85.064*~~

~~County
Population
Less Than
100,000~~

~~The following provisions apply only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the clerk is situated in more than one county, the provisions apply if the sum of the populations of the counties is under 100,000.~~

~~Except as provided below, voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.~~

~~Voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days.~~

~~The schedules for conducting voting are not required to be uniform among the temporary branch polling places.~~

~~*Election Code 85.065*~~

~~Posting Signs
Prohibited~~

~~An election officer commits an offense if the officer knowingly posts at a polling place, including the area within 100 feet of an outside door through which a voter may enter the building in which the polling place is located, a sign, card, poster, or other similar material that is not authorized or required by law; or is in a form or contains information that is not authorized or required by law.~~

~~A person other than an election officer commits an offense if the person posts a sign, card, poster, or similar material at a polling place, including the 100-foot area described above.~~

~~*Election Code 62.013(a)-(b)*~~

~~Electioneering~~

~~A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.~~

~~“Electioneering” includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114.~~

	<p>“Voting period” means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.</p> <p>“Early voting period” is described at Election Code 85.001.</p> <p>The entity that owns or controls a public building being used as a polling place or early voting polling place may not, at any time during the voting period or early voting periods, as applicable, prohibit electioneering on the building’s premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.</p> <p><i>Election Code 61.003, 85.036</i></p>
<p><i>Use of Certain Devices Prohibited</i></p>	<p>A person may not use a wireless communication device within 100 feet of a voting station. A person may not use any mechanical or electronic means of recording images or sound within 100 feet of a voting station. <i>Election Code 61.014(a)–(b)</i></p>
<p>Exception</p>	<p>The prohibitions do not apply to:</p> <ol style="list-style-type: none">1.—An election officer in conducting the officer’s official duties;2.—The use of election equipment necessary for the conduct of the election; or3.—A person who is employed at the location in which a polling place is located while the person is acting in the course of the person’s employment.
<p>Bilingual Materials Spanish</p>	<p><i>Election Code 61.014(d)</i></p> <p>Bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions.</p> <p>An election precinct may be exempted from the bilingual requirement if official census information or other information indicates that persons of Spanish origin or descent comprise less than five percent of the precinct’s inhabitants. To exempt an election precinct from the bilingual requirement, the presiding officer of the governing body of the political subdivision responsible for the expenses of an election, with the approval of the governing body, must file with the authority responsible for procuring the election supplies for the political subdivision’s elections the documentation described at Election Code 272.003. An exemption is effective on the 30th day after the date the certification and other required materials are filed. A precinct exempted under this section remains exempt until</p>

	<p>the precinct becomes subject to Election Code 272.002 as a result of a subsequent federal decennial census; or the effective date of a change in the precinct's boundary.</p> <p>Election Code 272.002, .003(a)-(c), (e)</p>
Other Languages	<p>If the director of the census determines under 42 U.S.C. 1973aa-1a that a political subdivision must provide election materials in a language other than English or Spanish, the political subdivision shall provide election materials in that language in the same manner in which the political subdivision would be required to provide materials in Spanish, to the extent applicable. Election Code 272.011(a); 52 U.S.C. 10503</p>
Voting Systems	<p>A voting system shall be selected and utilized in accordance with Election Code Title 8. Election Code Title 8</p>
Voting System Standards	<p>For a voting system or voting system equipment to be approved for use in elections, the voting system in which the equipment is designed to be used must comply with the standards prescribed by Election Code Chapter 122, Subchapter A and be manufactured, stored, and held in the United States and sold by a company whose headquarters are located in the United States and parent company's headquarters, if applicable, are located in the United States.</p> <p>A voting system or voting system equipment is considered to be manufactured in the United States if final assembly of the voting system or voting system equipment occurs in the United States and all firmware and software are installed and tested in the United States.</p> <p>Election Code 122.032</p>
Voting Machines and Punch-Card Ballots	<p>A voting system may not be used in an election if the system uses mechanical voting machines or a punch-card ballot or similar form of tabulating card. Election Code 122.001(d)</p>
Voters with Disabilities	<p>Each polling place must provide at least one voting station that complies with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794) and its subsequent amendments, Title II of the federal Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and its subsequent amendments and the requirements for accessibility under 42 U.S.C. 15481(a)(3) and its subsequent amendments, and provides a practical and effective means for voters with physical disabilities to cast a secret ballot. Election Code 61.012(a)</p>
Accessible Voting Stations	
Electronic Voting System Exceptions	<p>Upon providing the notice detailed in Election Code 61.013(d), for an election other than an election of a political subdivision that is held jointly with another election in which a federal office appears</p>

~~on the ballot, a political subdivision, including a college district, is not required to meet the requirements for accessibility under Election Code 61.012(a)(1)(C) if the political subdivision is located in a county:~~

- ~~1. With a population of less than 2,000;~~
- ~~2. With a population of 2,000 or more but less than 5,000, and the political subdivision provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day;~~
- ~~3. With a population of 5,000 or more but less than 10,000, and the political subdivision provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day and during the period for early voting by personal appearance;~~
- ~~4. With a population of 10,000 or more but less than 20,000, and the political subdivision:
 - ~~a. Makes a showing in the manner provided by Election Code 61.103(c) that compliance with Section 61.012(a)(1)(C) constitutes an undue burden on the political subdivision;~~
 - ~~b. Provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day and during the period for early voting by personal appearance; and~~
 - ~~c. Provides a mobile voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) that during the period for early voting by personal appearance is deployed at least once at each polling place used for early voting by personal appearance.~~~~

~~*Election Code 61.013(a)*~~

~~For purposes of Election Code 61.013, a political subdivision located in more than one county may choose:~~

- ~~1. To be considered located in the county that contains the greatest number of registered voters of the political subdivision; or~~
- ~~2. For each portion of the political subdivision located in a different county, to be considered a separate political subdivision.~~

~~*Election Code 61.013(e)*~~

*Multiple
Counties*

Multiple Voting Systems Permitted	A political subdivision may use more than one type of voting system in a single polling place in order to provide a person with physical disabilities with a method of casting a secret ballot. [See GA] 1 TAC 81.55
Voting System Malfunction	If no private vendor supports the political subdivision's voting system, the political subdivision must give notice to the secretary of state within 24 hours of a malfunction of the political subdivision's voting system software or equipment in an election. The notice may be verbal or in writing. 1 TAC 81.64(a)
Early Voting	A board shall provide for early voting in board elections by personal appearance at an early voting polling place and by mail in accordance with Election Code Title 7. Election Code 81.001
Conducting Elections	Elections shall be conducted in accordance with Election Code Title 6. Election Code Title 6
Section III: Post-Election Procedures Determination of Results	A candidate receiving a majority of the votes cast for all candidates for a board member position shall be declared elected. Education Code 130.082(g); Atty. Gen. Op. CM-1101 (1972)
Majority Runoff Elections	If no candidate receives such a majority, then the two candidates receiving the highest number of votes shall run against each other for the position. The runoff election for all positions shall be held not earlier than the 20th day or later than the 45th day after the date the final canvass of the main election is completed. The runoff election shall be conducted in accordance with Election Code Chapter 2, Subchapter B. Education Code 130.082(g); Election Code 2.021, .025(a)
Write-In Voting	Election Code Chapter 146, Subchapter B applies to write-in voting in an election for members of the governing body except to the extent of a conflict with this section. In a general or special election for members of the governing body of a junior college district, a write-in vote may not be counted for a person unless the person has filed a declaration of write-in candidacy with the secretary of the board of trustees in the manner provided for write-in candidates in the general election for state and county officers. Education Code 130.0825(a), (c)
Canvass Returns	Except as provided by Election Code 67.003(c), each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not later than the 11th day after election day and not earlier than the later of: 1. The third day after election day;

~~Early Voting
Canvass—
November
Election~~

Certificate of
Election

- ~~2.—The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or~~
- ~~3.—The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.~~

~~Two members of the authority constitute a quorum for purposes of canvassing an election.~~

~~The presiding officer of the canvassing authority shall note the completion of the canvass in the minutes or in the recording required by Government Code 551.021.~~

~~Election Code 67.003(b), .004(a), (g)~~

~~For an election held on the date of the general election for state and county officers (November of even-numbered years), the time for the canvass of early voting results may be set not later than the 14th day after election day. Election Code 65.051(a-1), 67.003(c)~~

~~After the completion of a canvass, the presiding officer of the local canvassing authority shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass. A certificate of election must contain:~~

- ~~1.—The candidate's name;~~
- ~~2.—The office to which the candidate is elected;~~
- ~~3.—A statement of election to an unexpired term, if applicable;~~
- ~~4.—The date of the election;~~
- ~~5.—The signature of the officer preparing the certificate; and~~
- ~~6.—Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.~~

~~The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition.~~

~~The submission of a recount petition delays the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. The recount petition does not affect a candidate who has received a certificate of election and qualified for an office before the submission of a recount petition.~~

~~Certificate of
Election for
Unopposed
Candidate~~

~~A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.~~

~~Election Code 67.016(a), (c), (e), 212.0331(a)–(c)~~

~~Officer's Statement~~

~~A certificate of election shall be issued to each unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. Election Code 2.053(e)~~

~~Oath of Office~~

~~All elected or appointed officers, before taking the oath or affirmation of office and entering upon the duties of office, shall subscribe to the required officer's statement. All other officers shall retain the signed statement with the official records of the office. [See BBB(EXHIBIT)] Tex. Const. Art. XVI, Sec. 1(b)–(c)~~

~~All elected and appointed officers, before they enter upon the duties of their offices, shall take the oath or affirmation of office. [See BBB(EXHIBIT)]~~

~~An oath made in this state may be administered and a certificate of the fact given by the individuals listed at Government Code 602.002, including:~~

- ~~1.— A judge, retired judge, or clerk of a municipal court.~~
- ~~2.— A judge, retired judge, senior judge, clerk, or commissioner of a court of record.~~
- ~~3.— A notary public.~~
- ~~4.— A justice of the peace or clerk of a justice court.~~
- ~~5.— An associate judge, magistrate, master, referee, or criminal law hearing officer.~~
- ~~6.— The secretary of state or a former secretary of state.~~
- ~~7.— The speaker of the house of representatives or a former speaker of the house of representatives.~~
- ~~8.— The lieutenant governor or a former lieutenant governor.~~
- ~~9.— The governor or a former governor.~~
- ~~10.— A legislator or retired legislator.~~
- ~~11.— The secretary of the senate or the chief clerk of the house of representatives.~~
- ~~12.— The attorney general or a former attorney general.~~
- ~~13.— A county treasurer.~~

~~Tex. Const. Art. XVI, Sec. 1(a); Education Code 130.082(d); Gov't
Code 602.002~~

Election Services

~~Termination of
Campaign Treasurer
Appointment~~
~~In accordance with
Election Code
252.0131, Order~~

~~Candidates for membership on the board of trustees~~ Note: If the college district is subject to a court order or other binding legal determination, the college district shall file the designation of a campaign treasurer and all required financial statements with the secretary of the board conduct its elections in accordance with that court order or determination, applicable law and directives from, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail.

If requested to do so by a political subdivision, including a college district, ~~the Texas Ethics Commission, county elections administrator~~ shall enter into a contract to furnish the election services requested, as set forth at Election Code ~~Title 15~~ Chapter 31, Subchapter D. A county elections administrator is not required to enter into a contract to furnish election services for an election held on the first Saturday in May in an even-numbered year. *Election Code 31.093(a), 41.001(d)*

The governing body of a political subdivision, including a college district board of trustees, ~~by ordinance or order may adopt a process by which the secretary of the political subdivision may terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the secretary.~~

~~A candidate or political committee is inactive if the candidate or committee:~~

- ~~1. Has never filed or has ceased to file reports under Election Code Chapter 254;~~
- ~~2. In the case of a candidate, has not been elected to an office for which a candidate is required to file a campaign treasurer appointment with the authority who is seeking to terminate the candidate's campaign treasurer appointment; and~~
- ~~3. Has not filed a final report under Election Code 254.065 or 254.125, or a dissolution report under Election Code 254.126 or 254.159.~~

~~Before the secretary of a political subdivision may terminate a campaign treasurer appointment, the governing body of the political subdivision must consider the proposed termination in a regularly scheduled open meeting.~~

~~The termination of a campaign treasurer appointment under this section takes effect~~ shall order the election. For an election to be

~~held on the 30th day after the a uniform election date of the meeting at which the governing body votes to terminate the appointment. Following that meeting, the secretary of the political subdivision shall promptly notify the affected candidate or political committee that the appointment has been terminated. The notice must state the effective date of the termination.~~ the election shall be ordered not later than the 78th day before election day.

Each election order must designate and state the location of the main early voting polling place and must state the date of the election; the offices or measures to be voted on; the date that early voting will begin if the early voting period is to begin later than the prescribed date; the dates and hours that early voting will be conducted; the dates and hours that early voting on Saturday and Sunday is ordered to be conducted; the early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different; and the early voting clerk's phone number, email address, and internet website, if the early voting clerk has an internet website. The authority ordering an election shall preserve the order, proclamation, or other document ordering the election, in an election involving a federal office, for at least 22 months after election day in accordance with federal law or, in an election not involving a federal office, for at least six months after election day.

Election Code 3.004, .005(c), .006, .008, 66.058(a), 83.010, 85.004, .007

Failure to Order an Election

Failure to order a general election does not affect the validity of the election. Election Code 3.007

Election Notice

The notice of a general or special election must state:

Contents

1. The nature and date of the election;
2. The location of each polling place;
3. The hours the polls will be open;
4. The internet website of the authority conducting the election;
5. For early voting:
 - a. The designated location of the main early voting polling place, as determined under Election Code 85.002;
 - b. The date that early voting will begin if under Education Code ~~252-0131~~(85.001(d) the early voting period is to begin later than the prescribed date;
 - c. The regular dates and hours that early voting will be conducted;

d. The dates and hours that voting on Saturday and Sunday is ordered to be conducted; and

e. The early voting clerk's official mailing address.

6. The numbers of the positions to be filled;

7. The candidates for each position; and

8. Any other matters deemed necessary or advisable.

When the Election Code requires notice of a) ~~(~~ polling place location, the written notice must state the building name, if any, and the street address, including the suite or room number, if any, of the polling place.

Election Code 1.021, 4.004(a), 83.010, 85.004, .007; Education Code 130.082(f)

Notice of Special Election

The notice of a special election must also state each office to be filled or the proposition stating each measure to be voted on. Election Code 4.004(b), ~~(d)~~

Publication

Notice of the election shall be given by publishing the notice at least once, not earlier than the 30th day or later than the tenth day before election day in a newspaper published in the territory that is covered by the election and is in the jurisdiction of the authority responsible for giving the notice or in a newspaper of general circulation in the territory if none is published in the jurisdiction of the authority responsible for giving the notice.

If notice of an election is given by publication, the authority responsible for giving the notice shall retain a copy of the published notice that contains the name of the newspaper and the date of publication. The records shall be preserved by the authority to whom they are distributed for at least 22 months after election day.

Election Code 4.003(a)(1), .005(a), 66.058(a); Education Code 130.082(f)

Posting

In addition to the notice described above, not later than the 21st day before election day, a county shall post a copy of a notice of the election given by the county or provided to the county by a political subdivision under Election Code 4.008(a), which must include the location of each polling place, on the county's internet website, if the county maintains a website. An authority responsible for giving notice of an election may post a copy of the notice on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves. If a county does not maintain a website, the authority responsible for giving notice of the election shall post a copy of a notice of the election on the bulletin board used for posting notices of meetings

	<p><u>of the governing body of the political subdivision that the authority serves. The notice must remain posted continuously through election day. The notice must include the location of each polling place. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the authority responsible for giving the election notice after the last posting is made. <i>Election Code 4.003(b), .005(b)</i></u></p>
<u>Early Voting</u>	<p><u>Any notice required under Election Code 85.007 must also be posted on the internet website of the authority ordering the election, if the authority maintains a website. <i>Election Code 85.007(d)(1)</i></u></p>
<u>Notice to the County Clerk and Voter Registrar</u>	<p><u>The governing body of a political subdivision, other than a county, that orders an election shall also deliver notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day. <i>Election Code 4.008(a)</i></u></p>
<u>Notice to Election Judge</u>	<p><u>Not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later, the authority responsible for giving notice of the election shall deliver to the presiding judge of each election precinct in which the election is to be held in the authority's jurisdiction a written notice of:</u></p> <ol style="list-style-type: none"><u>1. The nature and date of the election;</u><u>2. The location of the polling place for the precinct served by the judge;</u><u>3. The hours that the polls will be open;</u><u>4. The judge's duty to hold the election in the precinct specified by the notice; and</u><u>5. The maximum number of clerks that the judge may appoint for the election.</u> <p><u><i>Election Code 4.007</i></u></p>
<u>Failure to Give Notice of Election</u>	<p><u>Failure to give notice of a general election does not affect the validity of the election. <i>Election Code 4.006</i></u></p>
<u>Filing Information</u>	
<u>Notice to Candidates</u>	<p><u>The authority with whom an application for a place on the ballot must be filed shall post notice of the dates of the filing period in a public place in a building in which the authority has an office not later than the 30th day before the first day on which a candidate may file the application. An authority shall designate an email address in the notice for the purpose of filing an application for a</u></p>

	<p><u>place on the ballot under Election Code 143.004. <i>Election Code 141.040</i></u></p>
<u>Publication of Filing Information Online</u>	<p><u>A political subdivision, including a college district, with the authority to impose a tax that maintains a publicly accessible internet website, shall post on a publicly accessible internet website the requirements and deadline for filing for candidacy of each elected office of the political subdivision, which shall be continuously posted for at least one year before the election day for the office. <i>Gov't Code 2051.201(a), (b)(4)</i></u></p>
<u>General Election</u>	<p><u>An application for a place on the ballot may not be filed earlier than the 30th day before the date of the filing deadline. Any resident, qualified elector of a junior college district may have his or her name placed as a candidate on the official ballot for any position to be filled at each regular election by filing a written application, signed by the candidate, with the secretary of the board not later than 5:00 p.m. of the 78th day before election day, if the election is to be held on a uniform election date. <i>Education Code 130.082(g); Election Code 144.005</i></u></p>
<u>Special Election</u>	<p><u>An application for a place on a special election ballot may not be filed before the election is ordered.</u></p> <p><u>An application must be filed not later than:</u></p> <ol style="list-style-type: none"><u>1. 5:00 p.m. of the 62nd day before election day if election day is on or after the 70th day after the election is ordered; or</u><u>2. 5:00 p.m. of the 40th day before election day if election day is on or after the 46th day and before the 70th day after the date the election is ordered.</u> <p><u><i>Election Code 201.054(a), (d)</i></u></p>
<u>Exception</u>	<p><u>For a special election to be held on the date of the general election for state and county officers (the November uniform election date of even-numbered years), the filing deadline is 6:00 p.m. of the 75th day before election day. <i>Election Code 201.054(f)</i></u></p>
<u>Write-In Candidacy</u>	<p><u>In a general or special election for members of the governing body of a junior college district, a write-in vote may not be counted for a person unless the person has filed a declaration of write-in candidacy with the secretary of the board of trustees in the manner provided for write-in candidates in the general election for state and county officers. A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the 74th day before election day, if the election is to be held on a uniform election date.</u></p>

	<p><u>A declaration of write-in candidacy for a special election must be filed not later than the filing deadline prescribed by Election Code 201.054.</u></p> <p><u>A write-in candidate may not withdraw from the election after the 71st day before election day.</u></p> <p><u>Education Code 130.0825(a)–(b); Election Code 146.054, 201.054(g)</u></p>
<u>Application</u>	<p><u>The application must state the number of the position for which the person is a candidate or the name of the incumbent member of the board holding the position for which the person desires to run. The application shall include all statutorily required information, including that found at Election Code 141.031 and 141.039, such as an oath and a statement that the candidate is aware of the nepotism law. [See BBBD] The candidate shall be eligible to run for only one position at each election. Education Code 130.082(g); Election Code 31.0021, 141.031, .039</u></p>
<u>Withdrawal</u>	<p><u>To withdraw from an election, a candidate whose name is to appear on the ballot must request that the candidate's name be omitted from the ballot in accordance with Election Code 145.001. Election Code 145.001(a)</u></p>
<u>Deadline</u>	<p><u>A candidate may not withdraw from an election after 5:00 p.m. of the fifth day after the deadline for filing the candidate's application for a place on the ballot. Election Code 145.092(a)</u></p>
<u>Exceptions</u>	<p><u>A candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5:00 p.m. of the 62nd day before election day may not withdraw from the election after 5:00 p.m. of the 57th day before election day.</u></p> <p><u>A candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5:00 p.m. of the 78th day before election day may not withdraw from the election after 5:00 p.m. of the 71st day before election day.</u></p> <p><u>A candidate in a runoff election may not withdraw from the election after 5:00 p.m. of the third day after the date of the final canvass for the main election.</u></p> <p><u>Election Code 145.092(b), (d), (f)</u></p>
<u>Late Request</u>	<p><u>If a candidate files a withdrawal request after the deadline prescribed by Election Code 145.092, and the candidate complies with each requirement under Election Code 145.001 except that the candidate's filing to withdraw is untimely, the authority responsible</u></p>

Death of Candidate

for preparing the ballots may choose to omit the candidate from the ballot if at the time the candidate files the withdrawal request:

1. The ballots have not been prepared; and
2. If using a voting system to which Election Code Chapter 129 applies, public notice of the test of logic and accuracy has not been published.

Election Code 145.098(a)

If a candidate dies on or before the deadline for filing an application for a place on the ballot:

1. The authority responsible for preparing the ballots may choose to omit the candidate from the ballot; and
2. If the authority omits the candidate's name as described above, the filing deadline for an application for a place on the ballot for the office sought by the candidate is extended until the fifth day after the filing deadline.

Election Code 145.098(b)

Election of Unopposed Candidate

The board may declare each unopposed candidate elected if each candidate for an office that is to appear on the ballot is unopposed.

For purposes of determining whether all offices on a ballot are unopposed, a special election of a political subdivision, including a college district, is considered to be a separate election with a separate ballot from:

1. A general election for officers of the political subdivision held at the same time as the special election; or
2. Another special election of the political subdivision held at the same time as the special election.

Election Code 2.051(a)

Single-Member Districts

In the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, the unopposed candidate procedures apply to the election in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed and no opposed at-large race is to appear on the ballot. Election Code 2.051(b)

Procedure for Canceling Election

The authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted.

Exception

The certification shall be delivered to the governing body of the political subdivision as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates.

Election Code 2.052(a)–(b)

A certification may be made following the filing of a withdrawal request by a candidate after the deadline prescribed by Election Code 145.092, above, if:

1. The withdrawal request is valid except for the untimely filing;
2. Ballots for the election have not been prepared; and
3. The conditions for certification under Election Code 2.052(a) are otherwise met.

The certification shall be delivered to the governing body of the political subdivision as soon as possible.

Election Code 2.052(c)–(d)

Declaration of Election

On receipt of the certification, the governing body of the political subdivision by order or ordinance shall declare each unopposed candidate elected to the office. If the board makes such a declaration, the election is not held.

If no election is to be held on election day by the political subdivision, a copy of the order shall be posted on election day at each polling place used or that would have been used in the election.

The ballots used at the separate election held at the same time as an election that would have been held if the candidates were not declared elected under this section shall include the offices and names of the candidates declared elected under this section listed separately after the measures or contested races in the separate election, under the heading “Unopposed Candidates Declared Elected.” The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the unopposed candidates.

Election Code 2.053(a)–(c)

Ballot

The ballot shall be printed in the form required by law. Election Code 52.061–.064, .069, .093–.094

Ballot Position

The name of each candidate shall be placed on the official ballot according to the number of the position for which he or she is running. The location on the ballot of the names of the candidates for each position shall be chosen by lot by the board. The candidate shall be eligible to run for only one position in each election. Education Code 130.082(g)

Propositions

Except as otherwise provided by law, the authority ordering the election shall prescribe the wording of a proposition that is to appear on the ballot. A proposition shall be printed on the ballot in the form of a single statement and may appear on the ballot only once.

If an election of officers is contingent on the adoption of a proposition appearing on the same ballot, the proposition shall appear on the ballot before the listing of offices. Otherwise, in an election in which an office and a measure are to be voted on, each proposition stating a measure shall appear on the ballot after the listing of offices.

Except as otherwise provided by law, the authority ordering an election in which more than one measure is to be voted on shall determine the order in which the propositions are to appear on the ballot.

Each political subdivision's proposition on the ballot shall be assigned a unique number or letter on the ballot as follows:

1. Except as provided by item 2, for each proposition on the ballot, the authority ordering the election shall assign a letter of the alphabet to the measure that corresponds to its order on the ballot; and
2. For each proposition on the ballot to be voted on statewide, the authority ordering the election shall assign a number to the measure that corresponds to its order on the ballot.

Each proposition on the ballot must identify the name of the authority ordering the election on the measure.

Election Code 52.072(a)-(d), .095(a)-(c)

Election Judges and Clerks

The board shall appoint election judges and set the maximum number of election clerks. The judges and clerks shall be selected and serve in accordance with Election Code Chapter 32. *Election Code Chapter 32*

The nepotism prohibitions [see DBE] do not apply to appointment of an election clerk under Election Code 32.031 who is not related in the first degree by consanguinity or affinity to an elected official of the authority that appoints the election judges for that election. *Gov't Code 573.061(8)*

Polling Places

The governing body of each political subdivision authorized to hold elections, other than a county, shall designate the location of the polling place for each of its election precincts. Each polling place shall be accessible to and usable by the elderly and persons with physical disabilities. *Election Code 43.004, .034*

Use of County
Election Precincts

The county election precincts are the election precincts for the following elections:

1. The general election for state and county officers;
2. A special election ordered by the governor;
3. A primary election;
4. A countywide election ordered by the commissioners court, county judge, or other county authority, except an election subject to Election Code 42.062(2); and
5. As provided by Election Code 42.0621, any other election held by a political subdivision, including college districts, on a uniform election date.

Election Code 42.002(a)

In an election held on the November uniform election date, the political subdivisions to which Election Code 42.002(a)(5) applies shall use the regular county election precincts. If a political subdivision holds an election on a uniform election date and is required to use the regular county election precincts, the political subdivision shall designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the political subdivision. Election Code 42.0621(a), 43.004(b)

Polling Place for
Early Voting

The following provision applies to an election held by a political subdivision, other than a county, on the November uniform election date in which the political subdivision:

1. Is not holding a joint election with a county in accordance with Election Code Chapter 271; and
2. Has not executed a contract with a county elections officer under which the political subdivision and the county share early voting polling places for the election.

The political subdivision shall designate as an early voting polling place for the election an eligible county polling place located in the political subdivision and may not designate as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the political subdivision is designated as an early voting polling place by the political subdivision.

A shared polling place established under this section that is designated as a main early voting polling place by any political subdivision must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main

Temporary
Branch

County
Population
100,000 or More

early voting polling place under Election Code 85.002 for the political subdivision making the designation.

“Eligible county polling place” means an early voting polling place established by a county.

Election Code 85.010

The following provision applies only to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, the provision applies if the sum of the populations of the counties is 100,000 or more.

Early voting by personal appearance at each temporary branch polling place shall be conducted on the days that voting is required to be conducted at the main early voting polling place under Election Code 85.005 and remain open for at least:

1. Eight hours each day; or
2. Three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

Election Code 85.064

County
Population Less
Than 100,000

The following provisions apply only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the clerk is situated in more than one county, the provisions apply if the sum of the populations of the counties is under 100,000.

Except as provided below, voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

Voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days.

The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

Posting Signs Prohibited

Election Code 85.065

An election officer commits an offense if the officer knowingly posts at a polling place, including the area within 100 feet of an outside door through which a voter may enter the building in which the polling place is located, a sign, card, poster, or other similar material that is not authorized or required by law; or is in a form or contains information that is not authorized or required by law.

A person other than an election officer commits an offense if the person posts a sign, card, poster, or similar material at a polling place, including the 100-foot area described above.

Electioneering

Election Code 62.013(a)–(b)

A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.

“Electioneering” includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114.

“Voting period” means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

“Early voting period” is described at Election Code 85.001.

The entity that owns or controls a public building being used as a polling place or early voting polling place may not, at any time during the voting period or early voting periods, as applicable, prohibit electioneering on the building’s premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

Use of Certain Devices Prohibited

Election Code 61.003, 85.036

A person may not use a wireless communication device within 100 feet of a voting station. A person may not use any mechanical or electronic means of recording images or sound within 100 feet of a voting station. Election Code 61.014(a)–(b)

Exception

The prohibitions do not apply to:

1. An election officer in conducting the officer’s official duties;
2. The use of election equipment necessary for the conduct of the election; or

3. A person who is employed at the location in which a polling place is located while the person is acting in the course of the person's employment.

Election Code 61.014(d)

Bilingual Materials

Spanish

Bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions.

An election precinct may be exempted from the bilingual requirement if official census information or other information indicates that persons of Spanish origin or descent comprise less than five percent of the precinct's inhabitants. To exempt an election precinct from the bilingual requirement, the presiding officer of the governing body of the political subdivision responsible for the expenses of an election, with the approval of the governing body, must file with the authority responsible for procuring the election supplies for the political subdivision's elections the documentation described at Election Code 272.003. An exemption is effective on the 30th day after the date the certification and other required materials are filed. A precinct exempted under this section remains exempt until the precinct becomes subject to Election Code 272.002 as a result of a subsequent federal decennial census; or the effective date of a change in the precinct's boundary.

Election Code 272.002, .003(a)–(c), (e)

Other Languages

If the director of the census determines under 42 U.S.C. 1973aa-1a that a political subdivision must provide election materials in a language other than English or Spanish, the political subdivision shall provide election materials in that language in the same manner in which the political subdivision would be required to provide materials in Spanish, to the extent applicable. Election Code 272.011(a); 52 U.S.C. 10503

Voting Systems

Voting System Standards

A voting system shall be selected and utilized in accordance with Election Code Title 8. Election Code Title 8

For a voting system or voting system equipment to be approved for use in elections, the voting system in which the equipment is designed to be used must comply with the standards prescribed by Election Code Chapter 122, Subchapter A, and be manufactured, stored, and held in the United States and sold by a company whose headquarters are located in the United States and parent company's headquarters, if applicable, are located in the United States.

	<p><u>A voting system or voting system equipment is considered to be manufactured in the United States if final assembly of the voting system or voting system equipment occurs in the United States and all firmware and software are installed and tested in the United States.</u></p> <p><u><i>Election Code 122.032</i></u></p>
<u>Voting Machines and Punch-Card Ballots</u>	<p><u>A voting system may not be used in an election if the system uses mechanical voting machines or a punch-card ballot or similar form of tabulating card. <i>Election Code 122.001(d)</i></u></p>
<u>Voters with Disabilities</u>	<p><u>Each polling place must provide at least one voting station that complies with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794) and its subsequent amendments, Title II of the federal Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and its subsequent amendments and the requirements for accessibility under 42 U.S.C. 15481(a)(3) and its subsequent amendments, and provides a practical and effective means for voters with physical disabilities to cast a secret ballot. <i>Election Code 61.012(a)</i></u></p>
<u>Accessible Voting Stations</u>	
<u>Electronic Voting System Exceptions</u>	<p><u>Upon providing the notice detailed in Election Code 61.013(d), for an election other than an election of a political subdivision that is held jointly with another election in which a federal office appears on the ballot, a political subdivision, including a college district, is not required to meet the requirements for accessibility under Election Code 61.012(a)(1)(C) if the political subdivision is located in a county:</u></p> <ol style="list-style-type: none"><u>1. With a population of less than 2,000;</u><u>2. With a population of 2,000 or more but less than 5,000, and the political subdivision provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day;</u><u>3. With a population of 5,000 or more but less than 10,000, and the political subdivision provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day and during the period for early voting by personal appearance;</u><u>4. With a population of 10,000 or more but less than 20,000, and the political subdivision:</u><ol style="list-style-type: none"><u>a. Makes a showing in the manner provided by Election Code 61.103(c) that compliance with Section 61.012(a)(1)(C) constitutes an undue burden on the political subdivision;</u>

- b. Provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day and during the period for early voting by personal appearance; and
- c. Provides a mobile voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) that during the period for early voting by personal appearance is deployed at least once at each polling place used for early voting by personal appearance.

Election Code 61.013(a)

Multiple
Counties

For purposes of Election Code 61.013, a political subdivision located in more than one county may choose:

1. To be considered located in the county that contains the greatest number of registered voters of the political subdivision; or
2. For each portion of the political subdivision located in a different county, to be considered a separate political subdivision.

Election Code 61.013(e)

Multiple Voting
Systems
Permitted

A political subdivision may use more than one type of voting system in a single polling place in order to provide a person with physical disabilities with a method of casting a secret ballot. [See GA] 1 TAC 81.55

Voting System
Malfunction

If no private vendor supports the political subdivision's voting system, the political subdivision must give notice to the secretary of state within 24 hours of a malfunction of the political subdivision's voting system software or equipment in an election. The notice may be verbal or in writing. 1 TAC 81.64(a)

Early Voting

A board shall provide for early voting in board elections by personal appearance at an early voting polling place and by mail in accordance with Election Code Title 7. Election Code 81.001

Conducting
Elections

Elections shall be conducted in accordance with Election Code Title 6. Election Code Title 6

Officer's Statement

I, _____, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Tex. Const. Art. XVI, Sec. 1(b)

Oath of Office

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of board trustee for the _____ Junior/Community College District of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God."

Tex. Const. Art. XVI, Sec. 1(a)

Note: For other election information, including election forms, calendars, and other election resources, see the Secretary of State Elections Division website.¹

¹ Secretary of State Elections Division: <https://www.sos.texas.gov/elections/laws/local-laws.shtml>

Political Advertising

~~An officer or employee of a political subdivision, including a college district, may not knowingly spend or authorize the spending of public funds for political advertising. The prohibition does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate the passage or defeat of such measure.~~

~~An officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that:~~

- ~~1. The officer or employee knows is false; and~~
- ~~2. Is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.~~

~~It is an affirmative defense to prosecution for an offense under this section or the imposition of a civil penalty for conduct under this section that an officer or employee of a political subdivision reasonably relied on a court order or an interpretation of this section in a written opinion issued by a court of record, the attorney general, or the Ethics Commission.~~

~~On written request of the governing body of a political subdivision that has ordered an election on a measure, the Ethics Commission shall prepare an advance written advisory opinion as to whether a particular communication relating to a measure does or does not comply with this section.~~

Election Code 255.003

Definition

~~"Political advertising" is a communication that supports or opposes a political party, a public officer, a measure, or a candidate for nomination or election to a public office or office of a political party, and:~~

- ~~3. Is published in a newspaper, magazine, or other periodical in return for consideration;~~
- ~~4. Is broadcast by radio or television in return for consideration;~~
- ~~5. Appears in a pamphlet, circular, flier, billboard, or other sign, bumper sticker, or similar form of written communication; or~~
- ~~6. Appears on an internet website.~~

~~The term does not include an individual communication made by email or text message but does include mass emails and text messages involving an expenditure of funds beyond the basic cost of hardware, messaging software, and bandwidth.~~

Determination of Results

Majority

A candidate receiving a majority of the votes cast for all candidates for a board member position shall be declared elected. *Education Code 130.082(g); Atty. Gen. Op. CM-1101 (1972)*

Runoff Elections

If no candidate receives such a majority, then the two candidates receiving the highest number of votes shall run against each other for the position. The runoff election for all positions shall be held not earlier than the 20th day or later than the 45th day after the date the final canvass of the main election is completed. The runoff election shall be conducted in accordance with Election Code Chapter 2, Subchapter B. *Education Code 130.082(g); Election Code 2.021, .025(a)*

Write-In Voting

Election Code Chapter 146, Subchapter B applies to write-in voting in an election for members of the governing body except to the extent of a conflict with this section. In a general or special election for members of the governing body of a junior college district, a write-in vote may not be counted for a person unless the person has filed a declaration of write-in candidacy with the secretary of the board of trustees in the manner provided for write-in candidates in the general election for state and county officers. *Education Code 130.0825(a), (c)*

Canvass Returns

Except as provided by Election Code 67.003(c), each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;
2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Two members of the authority constitute a quorum for purposes of canvassing an election.

The presiding officer of the canvassing authority shall note the completion of the canvass in the minutes or in the recording required by Government Code 551.021.

Election Code ~~251.001(16); 1 TAC 20.1(11)~~67.003(b), .004(a), (g)

Early Voting
Canvass—
November Election

For an election held on the date of the general election for state and county officers (November of even-numbered years), the time

~~Newsletters~~

for the canvass of early voting results may be set not later than the 14th day after election day. Election Code 65.051(a-1), 67.003(c)

~~A newsletter of a public officer of a political subdivision is not political advertising if:~~

- ~~1. It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;~~
- ~~2. It includes no more than eight personally phrased references, such as the public officer's name, "I," "me," "the city council member," on a page that is 8 1/2" x 11" or larger, with a reasonable reduction in the number of such personally phrased references in pages smaller than 8 1/2" x 11"; and~~
- ~~3. When viewed as a whole and in the proper context:
 - ~~a. Is informational rather than self-promotional;~~
 - ~~b. Does not advocate passage or defeat of a measure; and~~
 - ~~c. Does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.~~~~

~~1 TAC 26.2~~

~~Influencing Elections~~

~~Restrictions~~

~~Support of a Candidate~~

~~A state agency, including a college district, may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described above.~~

~~A state officer or employee may not use a state-owned or state-leased motor vehicle for the above purpose.~~

~~Gov't Code 556.004(a)-(b)~~

~~Election Interference~~

~~A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. For purposes of this prohibition, a state officer or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is permitted by a law relating to the individual's office or employment and is not otherwise unlawful. Gov't Code 556.004(c), (e)~~

Political Expenditures	A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose. Gov't Code 556.004(d)
Use of Student Service Fee	Government Code Chapter 556 does not prohibit the payment of reasonable dues to an organization that represents student interests before the legislature or the U.S. Congress from that portion of mandatory student service fees that is allocated to the student government organization at an institution of higher education. A mandatory student service fee may not be used to influence the outcome of an election. [See FD] Gov't Code 556.002(b)
Termination of Employment	A state employee who violates Government Code 556.004(c) or (d) is subject to immediate termination of employment. Gov't Code 556.007
Compensation Prohibited	A state agency may not use appropriated money to compensate a state officer or employee who violates Section 556.004(a), (b), or (c) or who is subject to termination under Government Code 556.007. Gov't Code 556.008
Information on Restrictions	A state agency shall provide each officer and employee of the agency a copy of Government Code 556.004-.008 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed. A state agency shall maintain receipts collected from current officers and employees under this section in a manner accessible for public inspection. Gov't Code 556.009
Nepotism	A candidate shall not take any affirmative action to influence an employee or another officer of the governmental body to which the candidate seeks election, if the office the candidate seeks is one office of a multimember governmental body, regarding the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of another individual related to the candidate within a degree described by Government Code 573.002. [See DBE(EXHIBIT)] The prohibition does not apply to a candidate's actions taken regarding a bona fide class or category of employees or prospective employees. Gov't Code 573.042
<u>Certificate of Election</u>	<u>After the completion of a canvass, the presiding officer of the local canvassing authority shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass. A certificate of election must contain:</u> <u>The candidate's name;</u> <u>2. The office to which the candidate is elected;</u>

3. A statement of election to an unexpired term, if applicable;
4. The date of the election;
5. The signature of the officer preparing the certificate; and
6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition.

The submission of a recount petition delays the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. The recount petition does not affect a candidate who has received a certificate of election and qualified for an office before the submission of a recount petition.

A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

Election Code 67.016(a), (c), (e), 212.0331(a)–(c)

Certificate of Election for Unopposed Candidate

A certificate of election shall be issued to each unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. *Election Code 2.053(e)*

Officer's Statement

All elected or appointed officers, before taking the oath or affirmation of office and entering upon the duties of office, shall subscribe to the required officer's statement. All other officers shall retain the signed statement with the official records of the office. [See BBBB(EXHIBIT)] *Tex. Const. Art. XVI, Sec. 1(b)–(c)*

Oath of Office

All elected and appointed officers, before they enter upon the duties of their offices, shall take the oath or affirmation of office. [See BBBB(EXHIBIT)]

An oath made in this state may be administered and a certificate of the fact given by the individuals listed at Government Code 602.002, including:

1. A judge, retired judge, or clerk of a municipal court.
2. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.
3. A notary public.

4. A justice of the peace or clerk of a justice court.
 5. An associate judge, magistrate, master, referee, or criminal law hearing officer.
 6. The secretary of state or a former secretary of state.
 7. The speaker of the house of representatives or a former speaker of the house of representatives.
 8. The lieutenant governor or a former lieutenant governor.
 9. The governor or a former governor.
 10. A legislator or retired legislator.
 11. The secretary of the senate or the chief clerk of the house of representatives.
 12. The attorney general or a former attorney general.
 13. A county treasurer.
- Tex. Const. Art. XVI, Sec. 1(a); Education Code 130.082(d); Gov't Code 602.002

Termination of
Campaign Treasurer
Appointment

Candidates for membership on the board of trustees shall file the designation of a campaign treasurer and all required financial statements with the secretary of the board in accordance with applicable law and directives from the Texas Ethics Commission. Election Code Title 15

In accordance with Election Code 252.0131, the governing body of a political subdivision, including a college district board of trustees, by ordinance or order may adopt a process by which the secretary of the political subdivision may terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the secretary.

A candidate or political committee is inactive if the candidate or committee:

1. Has never filed or has ceased to file reports under Election Code Chapter 254;
2. In the case of a candidate, has not been elected to an office for which a candidate is required to file a campaign treasurer appointment with the authority who is seeking to terminate the candidate's campaign treasurer appointment; and
3. Has not filed a final report under Election Code 254.065 or 254.125, or a dissolution report under Election Code 254.126 or 254.159.

Before the secretary of a political subdivision may terminate a campaign treasurer appointment, the governing body of the political subdivision must consider the proposed termination in a regularly scheduled open meeting.

The termination of a campaign treasurer appointment under this section takes effect on the 30th day after the date of the meeting at which the governing body votes to terminate the appointment. Following that meeting, the secretary of the political subdivision shall promptly notify the affected candidate or political committee that the appointment has been terminated. The notice must state the effective date of the termination.

Election Code 252.0131(a)-(b), (d)

Political Advertising

An officer or employee of a political subdivision, including a college district, may not knowingly spend or authorize the spending of public funds for political advertising. The prohibition does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate the passage or defeat of such measure.

An officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that:

1. The officer or employee knows is false; and
2. Is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

It is an affirmative defense to prosecution for an offense under this section or the imposition of a civil penalty for conduct under this section that an officer or employee of a political subdivision reasonably relied on a court order or an interpretation of this section in a written opinion issued by a court of record, the attorney general, or the Ethics Commission.

On written request of the governing body of a political subdivision that has ordered an election on a measure, the Ethics Commission shall prepare an advance written advisory opinion as to whether a particular communication relating to a measure does or does not comply with this section.

Election Code 255.003

Definition

"Political advertising" is a communication that supports or opposes a political party, a public officer, a measure, or a candidate for nomination or election to a public office or office of a political party, and:

1. Is published in a newspaper, magazine, or other periodical in return for consideration;
2. Is broadcast by radio or television in return for consideration;
3. Appears in a pamphlet, circular, flier, billboard, or other sign, bumper sticker, or similar form of written communication; or
4. Appears on an internet website.

The term does not include an individual communication made by email or text message but does include mass emails and text messages involving an expenditure of funds beyond the basic cost of hardware, messaging software, and bandwidth.

Election Code 251.001(16); 1 TAC 20.1(11)

Newsletters

A newsletter of a public officer of a political subdivision is not political advertising if:

1. It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;
2. It includes no more than eight personally phrased references, such as the public officer's name, "I," "me," "the city council member," on a page that is 8 1/2" x 11" or larger, with a reasonable reduction in the number of such personally phrased references in pages smaller than 8 1/2" x 11"; and
3. When viewed as a whole and in the proper context:
 - a. Is informational rather than self-promotional;
 - b. Does not advocate passage or defeat of a measure; and
 - c. Does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

1 TAC 26.2

Influencing Elections

Restrictions

Support of a Candidate

A state agency, including a college district, may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described above.

A state officer or employee may not use a state-owned or state-leased motor vehicle for the above purpose.

Gov't Code 556.004(a)-(b)

Election Interference

A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. For purposes of this prohibition, a state officer or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is permitted by a law relating to the individual's office or employment and is not otherwise unlawful. Gov't Code 556.004(c), (e)

<u>Political Expenditures</u>	<u>A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose. Gov't Code 556.004(d)</u>
<u>Use of Student Service Fee</u>	<u>Government Code Chapter 556 does not prohibit the payment of reasonable dues to an organization that represents student interests before the legislature or the U.S. Congress from that portion of mandatory student service fees that is allocated to the student government organization at an institution of higher education. A mandatory student service fee may not be used to influence the outcome of an election. [See FD] Gov't Code 556.002(b)</u>
<u>Termination of Employment</u>	<u>A state employee who violates Government Code 556.004(c) or (d) is subject to immediate termination of employment. Gov't Code 556.007</u>
<u>Compensation Prohibited</u>	<u>A state agency may not use appropriated money to compensate a state officer or employee who violates Section 556.004(a), (b), or (c) or who is subject to termination under Government Code 556.007. Gov't Code 556.008</u>
<u>Information on Restrictions</u>	<u>A state agency shall provide each officer and employee of the agency a copy of Government Code 556.004-.008 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed. A state agency shall maintain receipts collected from current officers and employees under this section in a manner accessible for public inspection. Gov't Code 556.009</u>
<u>Nepotism</u>	<u>A candidate shall not take any affirmative action to influence an employee or another officer of the governmental body to which the candidate seeks election, if the office the candidate seeks is one office of a multimember governmental body, regarding the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of another individual related to the candidate within a degree described by Government Code 573.002. [See DBE(EXHIBIT)] The prohibition does not apply to a candidate's actions taken regarding a bona fide class or category of employees or prospective employees. Gov't Code 573.042</u>

~~A committee that includes one or more members of the college district board of trustees and has supervision or control over public business or public policy is subject to~~ The Open Meetings Act (OMA), Government Code Chapter 551, ~~when it meets~~ applies to board committee meetings if:

1. At least a quorum of the board is on the committee;
2. A quorum of the board is present at the committee meeting, even though less than a quorum is actually on the committee;
or
- ~~1.~~3. Less than a quorum of the board is on the committee, but the committee is authorized to discuss that ~~make final decisions or control or supervise~~ public business ~~or policy.~~

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

~~Atty. Gen. Ops. JM-1072 (1989), JM-331 (1985), H-3 (1973); see also Atty. Gen. Op. LO-97-058 (1997)~~ Nos. GA-957 (2012), JC-60 (1999), JH-994 (1977); Willmann v. City of San Antonio, 123 S.W.3d 469 (Tex. App.—San Antonio 2003, pet. denied) [See ~~BD(LEGAL)]~~]

Definitions

Meeting

“Meeting” means a deliberation among a quorum of a governmental body, including a college district board of trustees, 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 except as otherwise provided by this provision, a gathering:

1. That is conducted by the governmental body or for which the governmental body is responsible;
2. At which a quorum of members of the governmental body is present;
3. That has been called by the governmental body; and
4. 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.

Gov’t Code 551.001(3)–(4)

Deliberation

“Deliberation” means a verbal or written exchange 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. *Gov’t Code 551.001(2)*

Quorum

“Quorum” means a majority of a governmental body. *Gov’t Code 311.013(b), 551.001(6)*

Recording

“Recording” means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov’t Code 551.001(7)*

Videoconference
~~Call~~

“Videoconference ~~call~~” means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through ~~duplex~~ audio and video signals transmitted over a telephone network, a data network, or the internet. *Gov’t Code 551.001(8); 1 TAC 209.1(5)*

Computer-Based
Videoconferencing
Application

“Computer-based videoconferencing application” means a commercially available application designed to facilitate videoconferencing between a personal computer to another personal computer or mobile device either one-to-one or in a group environment. 1 TAC 209.1(1)

Dedicated Video Room Environment

“Dedicated video room environment” means a room that is specifically and exclusively built for the purpose of videoconferencing with specific acoustics, permanent microphone and camera placement, dedicated camera and system equipment, and other equipment that is permanently fixed in the room for videoconferencing. A dedicated video room environment generally uses specific, proprietary software to connect participants at remote locations through a private data network or through a proprietary software connection with the primary dedicated video room environment; this software is typically only compatible with the video room equipment that is used in the primary dedicated video room environment. This definition does not include a room that has nonpermanent connections set up to permit an institution of higher education or governmental body to bring their own electronics into the room and connect them therein. 1 TAC 209.1(2)

Meeting Exceptions

Social Function or Convention

The term “meeting” does not include the gathering of a quorum of a governmental body, including a college district board of trustees, at a social function unrelated to the public business that is conducted by the body, the attendance by a quorum of the governmental body at a regional, state, or national convention or workshop, ceremonial event, or press conference, or the attendance by a quorum of a governmental body at a candidate forum, appearance, or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, press conference, forum, appearance, or debate. *Gov’t Code 551.001(4)*

Legislative Committee or Agency Meeting

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. *Gov’t Code 551.0035(b)*

Online Message Board

A communication or exchange of information between members of a governmental body about public business or public policy over which the governmental body has supervision or control does not constitute a meeting or deliberation for purposes of Government Code Chapter 551 if the communication is in writing and the writing is posted to an online message board or similar internet application in accordance with Government Code 551.006. [See BBI(LEGAL)] *Gov’t Code 551.006(a)*

Prohibited Series of Communications

A member of a governmental body commits an offense if the member:

1. Knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by Government Code Chapter 551 and that concern an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and
2. Knew at the time the member engaged in the communication that the series of communications involved would involve a quorum and would constitute a deliberation once a quorum of members engaged in the series of communications.

Gov't Code 551.143(a)

Open to Public

Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by Government Code Chapter 551. [See BCB and BDA] *Gov't Code 551.002*

Exclusion of a Witness

A governmental body that is investigating a matter may exclude a witness from a hearing during the examination of another witness in an investigation. *Gov't Code 551.084*

Recording by Attendees

A person in attendance may record all or any part of an open meeting of a governmental body by means of a recorder, video camera, or any other means of aural or visual reproduction. A governmental body may adopt reasonable rules to maintain order at a meeting, including rules related to the location of recording equipment and the manner in which the recording is conducted. A rule adopted under this section may not prevent or unreasonably impair a person from exercising the right to record. *Gov't Code 551.023*

Minutes

A governmental body shall prepare and keep minutes or make a recording of each open meeting of the body. The minutes must state the subject of each deliberation and indicate each vote, order, decision, or other action taken.

The minutes and 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.

Gov't Code 551.021–.022

Notice Required

The governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governmental body. *Gov't Code 551.041*

Continued Meeting Government Code 551.041 does not require a governmental body that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, the board continues the meeting to another day, the governmental body must give the required written notice of the meeting continued to that other day. *Gov't Code 551.0411(a)*

Inquiry During Meeting

If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which the required notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting. *Gov't Code 551.042*

Time of Notice and Accessibility

The notice of a meeting of a governmental body must be posted on a bulletin board at a place convenient to the public in the central administration office for at least 72 hours before the scheduled time of the meeting. The notice must be posted in a place readily accessible to the public at all times for at least 72 hours before the scheduled time of the meeting. *Gov't Code 551.043(a), .051; City of San Antonio v. Fourth Court of Appeals, 820 S.W.2d 762 (Tex. 1991)*

If the Open Meetings Act (OMA) specifically requires or allows a governmental body to post notice of a meeting on the internet, the governmental body satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the internet during the prescribed period.

The governmental body must still comply with any duty to physically post the notice at a particular location. If the governmental body makes a good-faith attempt to continuously post the notice on the internet during the prescribed period, the notice physically posted on the location prescribed by the OMA must be readily accessible to the general public during normal business hours.

Gov't Code 551.043(b)

Internet Posting

Generally

Government Code 551.056 applies only to a governmental body that maintains an internet website or for which an internet website is maintained. In addition to the other place at which notice is required to be posted, the governing body of a junior college or junior college district, including a college or district that has changed its name in accordance with Education Code Chapter 130 must also

concurrently post notice of a meeting on the internet website of the governmental body.

The governing body of a junior college district, including a district that has changed its name in accordance with Chapter 130, that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more must also concurrently post the agenda for the meeting on the internet website of the governmental body.

The validity of a posted notice of a meeting or an agenda by a governmental body that made a good-faith attempt to comply with the internet posting requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the governmental body.

Gov't Code 551.056

A political subdivision, including a college district, with the authority to impose a tax that maintains a publicly accessible internet website shall post on a publicly accessible internet website each notice of a meeting of the political subdivision's governing body under the OMA, and each record of a meeting of the political subdivision's governing body under the OMA. *Gov't Code 2051.201(a), (b)(5)–(6)*

Large College Districts

The governing board of a junior college district with a total student enrollment of more than 20,000 in any semester of the preceding academic year, for any regularly scheduled meeting of the governing board for which notice is required under Government Code Chapter 551, shall post as early as practicable in advance of the meeting on the internet website of the district any written agenda and related supplemental written materials provided by the district to the board members for the members' use during the meeting. This requirement does not apply to written materials that the general counsel or other appropriate attorney for the district certifies are confidential or may be withheld from public disclosure under Government Code Chapter 552 (~~Texas~~ Public Information Act).

The governing board of a junior college district is not required to comply with the requirements of this section if that compliance is not possible because of an act of God, force majeure, or a similar cause not reasonably within the governing board's control.

Gov't Code 551.1282

Specificity of Agenda / Notice

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to top administrators are of particular public interest, and

notice of those subjects must be worded with such clarity that the public will understand what the board proposes to discuss or accomplish. *Cox Enterprises, Inc. v. Austin Indep. Sch. Dist.*, 706 S.W.2d 956 (Tex. 1986); *Point Isabel Indep. Sch. Dist. v. Hinojosa*, 797 S.W.2d 176 (Tex. App.—Corpus Christi, 1990, writ denied); *Atty. Gen. Ops. CM-494 (1969), JH-419 (1974), JH-662 (1975), JH-1045 (1977)*

The terms “employee briefing” or “staff briefing” do not give adequate notice of the subject matter to be presented to the board by employees or staff members. *Atty. Gen. Op. JC-169 (2000)*

The subject of a report or update by college district staff or a member of the board must be set out in the notice in a manner that informs a reader about the subjects to be addressed. *Atty. Gen. Op. GA-668 (2008)*

Emergency Meeting or Emergency Addition to an Agenda

In an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking of action on the emergency or urgent public necessity as an item to the agenda for a meeting for which the required notice has been posted is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened. *Gov't Code 551.045(a)*

An emergency or urgent public necessity exists only if immediate action is required of a governmental body because of an imminent threat to public health and safety, including a threat described below, if imminent or a reasonably unforeseeable situation, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snowstorm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

Gov't Code 551.045(b)

The sudden relocation of a large number of residents from the area of a declared disaster to a governmental body's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. *Gov't Code 551.045(e)*

The governmental body shall clearly identify the emergency or urgent public necessity in the notice or supplemental notice. *Gov't Code 551.045(c)*

A governmental body may not deliberate or take action on a matter at a meeting for which notice or supplemental notice is posted under Government Code 551.045(a) other than:

1. A matter directly related to responding to the emergency or urgent public necessity identified in the notice or supplemental notice of the meeting as provided by Government Code 551.045(c); or
2. An agenda item listed on a notice of the meeting before the supplemental notice was posted.

Gov't Code 551.045(a-1)

Catastrophe

A governmental body that is prevented from convening an open meeting that was otherwise properly posted under Government Code 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code 551.045 if the action is taken in good faith and not to circumvent the OMA. If the governmental body is unable to convene the open meeting within those 72 hours, the governmental body may subsequently convene the meeting only if the governmental body gives the required written notice of the meeting.

“Catastrophe” means a condition or occurrence that interferes physically with the ability of the governmental body to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

Gov't Code 551.0411(b)–(c)

Special Notice to News Media

A school district shall provide special notice of each meeting to any news media that has requested special notice and agreed to reimburse the district for the cost of providing the special notice. The notice shall be by telephone, facsimile transmission, or electronic mail. *Gov't Code 551.052; Att'y Gen. Op. JM-340 (1985) (a college*

district board of trustees is considered a school district board of trustees for the purposes of the OMA)

**Emergency Meeting
or Emergency Item**

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. The presiding officer or member is required to notify only those members of the news media that have previously filed at the headquarters of the governmental body a request containing all pertinent information for the special notice and agreed to reimburse the governmental body for the cost of providing the special notice. The presiding officer or member shall give the notice by telephone, facsimile transmission, or electronic mail at least one hour before the meeting is convened to any news media who have previously requested special notice of all meetings. *Gov't Code 551.047*

Disaster

Notwithstanding any other law, a quorum is not required for the governing body of a local governmental entity to act if:

1. The entity's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and
2. A majority of the members of the governing body are unable to be present at a meeting of the governing body as a result of the disaster.

Gov't Code 418.1102

Secret Ballot

No vote shall be taken by secret ballot. *Atty. Gen. Op. JH-1163 (1978)*

**Meeting by
Telephone
Conference Call**

Special Meeting

The OMA does not prohibit the governing board of an institution of higher education from holding a meeting by telephone conference call. A meeting held by telephone conference call authorized by this section may be held only if the meeting is a special called meeting and immediate action is required, and the convening at one location of a quorum of the board is difficult or impossible. *Gov't Code 551.121(b)-(c)*

Public Access

Each part of the telephone conference call meeting that is required to be open to the public must be:

1. Audible to the public at the location specified in the notice of the meeting as the location of the meeting; and
2. Broadcast over the internet in the manner prescribed by Government Code 551.128, below.

Gov't Code 551.121(f)

<i>Notice</i>	The telephone conference call meeting is subject to the notice requirements applicable to other meetings. 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 governmental board are usually held. <i>Gov't Code 551.121(d)–(e)</i>
<i>Recording</i>	Each part of the telephone conference call meeting that is required to be open to the public must be recorded and made available to the public in an online archive located on the internet website of the entity holding the meeting. <i>Gov't Code 551.121(f)</i>
Quorum at One Location	The OMA does not prohibit the governing board of a junior college district from holding an open or closed meeting by telephone conference call. A meeting held by telephone conference call authorized by this section may be held only if a quorum of the governing board is physically present at the location where meetings of the board are usually held. <i>Gov't Code 551.122(a)–(b)</i>
<i>Public Access</i>	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 where the quorum is present. 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 before the party speaks. <i>Gov't Code 551.122(d)–(e)</i>
<i>Notice</i>	The telephone conference call meeting is subject to the notice requirements applicable to other meetings. <i>Gov't Code 551.122(c)</i>
<i>Recording</i>	Each part of the telephone conference call meeting that is required to be open to the public shall be recorded. The recording shall be made available to the public. <i>Gov't Code 551.122(d)</i>
<i>Attendance</i>	A member of a governing board of a junior college district who participates in a board meeting by telephone conference call but is not physically present at the location of the meeting is considered to be absent from the meeting for purposes of Education Code 130.0845. <i>Gov't Code 551.122(g)</i>
Meeting by Videoconference Call	A member or employee of a governmental body, including a college district board of trustees, may participate remotely in a meeting of the governmental body by means of a videoconference call if the video and audio feed of the member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions of this section. <i>Gov't Code 551.127(a-1)</i>
Quorum	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. <i>Gov't Code 551.127(b)</i>

<i>Exception</i>	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 the member of the governmental body presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting. <i>Gov't Code 551.127(c)</i>
Attendance	<p>A member of a governmental body who participates in the meeting as provided by Government Code 551.127(a-1), above, shall be counted as present at the meeting for all purposes.</p> <p>A member of a governmental body who participates in a meeting by videoconference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The governmental body may continue the meeting only if a quorum of the body remains present at the meeting location or, if applicable, continues to participate in a meeting conducted under Government Code 551.127(c), above.</p> <p><i>Gov't Code 551.217(a-2)–(a-3)</i></p>
Notice	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. 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 Government Code 551.127(c), above, must specify as a location of the meeting the location where the member of the governmental body presiding over the meeting will be physically present and specify the intent to have the member of the governmental body presiding over the meeting present at that location. <i>Gov't Code 551.127(d)–(e)</i>
Public Access	The location where the member of the governmental body presiding over the meeting is physically present shall be open to the public during the open portions of the meeting. <i>Gov't Code 551.127(e)</i>
Quality of Audio and Video Signals	<p>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 the location specified under Government Code 551.127(e), above. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.</p> <p>The physical location specified under Section 551.127(e), and each remote location from which a member of the governmental</p>

body participates, shall have two-way audio and video communication with each member who is participating by videoconference call during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by Section 551.127(e) and at any other location of the meeting that is open to the public.

The Department of Information Resources (DIR) 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.

The audio and video signals perceptible by members of the public at each location of the meeting described by Government Code 551.127(h) must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

~~Gov't Code 551.127(f), (h)–(j); 1 TAC 209.30–.31~~

Meetings Held by
Computer-Based
Video-
conferencing
Applications

All computer-based videoconferencing applications shall employ a minimum bandwidth transmission speed and/or adequate data compression algorithm to produce a sufficient quality such that audio volume and clarity and video clarity are sufficient to hear and view all speaking participants on the videoconference clearly.

Computer-based videoconferencing applications may specify unique minimum requirements for computer central processing unit, memory, and video capability to run the computer-based videoconferencing application. An institution of higher education, including a college district, shall comply with these minimum requirements.

If the videoconference call hosts a public audience at a location or locations specified by the official notice of the open meeting posted by the institution of higher education in compliance with OMA requirements, then the institution of higher education shall establish a minimum of one host computer at such location(s) that will run the computer-based videoconferencing application. This host computer shall then be connected to:

1. Either a separate video monitor of size proportional to the room and clearly visible to all in the room or multiple video monitors so that all attendees may clearly view the video stream; and

Meetings
Conducted
Between
Dedicated Video
Room
Environments

2. External speakers of suitable volume and sound quality such that all meeting attendees at the host location may clearly hear the meeting.

Any personal computer used by a governing body member of an institution of higher education for the purpose of videoconferencing for an open meeting subject to the OMA shall contain a camera and speakers of sufficient quality to permit all meeting attendees to see the individual who is using the personal computer and for the individual to hear all speaking attendees.

1 TAC 209.30

Videoconferencing equipment used in a dedicated video room environment shall meet the International Telecommunication Union (ITU) standards for the respective medium of transmission described by 1 Administrative Code 209.31(a).

When using a computer web conferencing system at the primary dedicated video room environment site, a large monitor and adequate speakers shall be used.

Audio signals from the remote dedicated video room environment(s) shall be of similar quality and volume as the local audio at the primary dedicated video room environment.

At least one monitor shall be available at the primary dedicated video room environment site for the audience to easily see remote meeting participants. When using a computer web conferencing system at the primary site, a large monitor and adequate speakers shall be used. The audience and members of the institution of higher education shall have full view of at least one monitor at each meeting location. Additional monitors shall be placed, as necessary, to ensure a clear view by all in attendance.

If an institution of higher education uses a dedicated video room environment for the dedicated camera and speaker equipment but is using a computer-based videoconferencing application that is not part of the proprietary dedicated video room equipment setup, then the institution of higher education must comply with all minimum standards for computer-based application software and is not subject to the requirements of a dedicated video room environment.

1 TAC 209.31

Guidelines

At its discretion, DIR may promulgate guidelines establishing technical standards pertaining to rapidly emerging technologies or technological issues or advancement. DIR will publish any such guidelines to the department's website. Governmental bodies and

	<p>institutions of higher education conducting open or closed meetings by videoconference call shall review and consider any applicable guidelines promulgated by DIR. 1 TAC 209.5</p>
<p>Security Requirements</p>	<p>Each institution of higher education subject to the OMA shall review any additional internal security requirements of their institution of higher education. If 1 Administrative Code Chapter 202 applies to the institution of higher education [see CS], then the institution of higher education shall ensure compliance with any information security standards promulgated regarding the transmission of data through a public or data/IP network. 1 TAC 209.32</p>
<p>Effect of Other Law</p>	<p>No requirements found in 1 Administrative Code Chapter 209, Subchapters B or C, shall be interpreted to overrule any section of Government Code Chapter 551 or any rules adopted or opinions issued by the Office of the Attorney General interpreting Chapter 551. 1 TAC 209.4</p>
<p>Recording</p>	<p>The governmental body shall make at least an audio recording of the meeting. The recording shall be made available to the public. <i>Gov't Code 551.127(g)</i></p>
<p>Public Testimony by Videoconference Call</p>	<p>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. <i>Gov't Code 551.127(k)</i></p>
<p>Internet Broadcast</p>	<p>A governmental body may broadcast an open meeting over the internet. Except as provided by Government Code 551.128(b-2), 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 Government Code Chapter 551, Subchapter C. The notice on the internet must be posted within the time required for posting notice under Chapter 551, Subchapter C. <i>Gov't Code 551.128(b)-(c)</i></p>
<p>Large College Districts</p>	<p>The governing board of a junior college district with a total student enrollment of more than 20,000 in any semester of the preceding academic year, for any regularly scheduled meeting of the governing board for which notice is required under Government Code Chapter 551, shall:</p> <ol style="list-style-type: none"> 1. Broadcast the meeting, other than any portions of the meeting closed to the public as authorized by law, over the internet in the manner prescribed by Government Code 551.128; and

2. Record the broadcast and make that recording publicly available in an online archive located on the district's internet website.

The governing board of the junior college district is not required to comply with the requirements of this section if that compliance is not possible because of an act of God, force majeure, or a similar cause not reasonably within the governing board's control.

Gov't Code 551.1282(a)–(b), (d)

Meeting Recording Required

An elected school district board of trustees for a school district that has a student enrollment of 10,000 or more shall:

1. Make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting; and
2. Make available an archived copy of the video and audio recording of each meeting described by item 1 on the internet.

Gov't Code 551.128(b-1); Att'y Gen. Op. JM-340 (1985) (a college district board of trustees is considered a school district board of trustees for the purposes of the OMA)

A governmental body described by Government Code 551.128(b-1) may make available the archived recording of a meeting on an existing internet site, including a publicly accessible video-sharing or social networking site. The governmental body is not required to establish a separate internet site and provide access to archived recordings of meetings from that site. *Gov't Code 551.128(b-2)*

A governmental body described by Section 551.128(b-1) that maintains an internet site shall make available on that site, in a conspicuous manner the archived recording of each meeting or an accessible link to the archived recording of each such meeting. *Gov't Code 551.128(b-3)*

A governmental body described by Section 551.128(b-1) shall make the archived recording of each meeting available on the internet not later than seven days after the date the recording was made and maintain the archived recording on the internet for not less than two years after the date the recording was first made available. *Gov't Code 551.128(b-4)*

A governmental body described by Section 551.128(b-1) is exempt from the requirements of Government Code 551.128 (b-2) and (b-4) if the governmental body's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411, or a technical breakdown. Following a catastrophe or breakdown, a governmental body must make all

reasonable efforts to make the required recording available in a timely manner. *Gov't Code 551.128(b-5)*

A governmental body described by Government Code 551.128(b-1) may broadcast a regularly scheduled open meeting of the body on television. *Gov't Code 551.128(b-6)*

Attorney Consultation

A governmental body may use a telephone conference call, videoconference 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. [See BDA]

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

Gov't Code 551.129(a)–(b)

Passing Resolutions or Orders

The board shall act and proceed by and through resolutions or orders adopted or passed by the board and the affirmative vote of a majority of all members of the board shall be required to adopt or pass a resolution or order, and the board shall adopt such rules, regulations, and bylaws as it deems advisable, not inconsistent with Education Code 130.082. *Education Code 130.082(d)*

Persons with a Hearing Impairment

In a proceeding before the governing body of a political subdivision in which the legal rights, duties, or privileges of a party are to be determined by the governing body after an adjudicative hearing, the governing body shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the ~~Texas~~ Department of Assistive and Rehabilitative Services.

“Deaf or hearing impaired” means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of an examination or proceeding or communication with others.

Gov't Code 558.001, .003

Tax Exemptions

Homestead
Exemptions

An individual who is disabled or is 65 or older is entitled to an exemption from taxation by a taxing unit of a portion, the amount of which is fixed as provided by Tax Code 11.13(e), of the appraised value of the individual's residence homestead if the exemption is adopted either:

1. By the governing body of the taxing unit; or
2. By a favorable vote of a majority of the qualified voters of the taxing unit at an election called by the governing body of a taxing unit, and the governing body shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the taxing unit.

The amount of an exemption adopted is \$3,000 of the appraised value of the residence homestead unless a larger amount is specified by the governing body authorizing the exemption as described at item 1 or the petition for the election if the exemption is authorized as described at item 2.

Once authorized, an exemption adopted as provided in this section may be repealed or decreased or increased in amount by the governing body of the taxing unit or by the procedure authorized by item 2 above. In the case of a decrease, the amount of the exemption may not be reduced to less than \$3,000 of the market value.

Tax Code 11.13(d)–(f)

*Application for
Exemption*

To receive the residence homestead exemption, a person claiming the exemption must apply for the exemption. *Tax Code 11.43(a)*

*Homesteads
Rendered
Uninhabitable or
Unusable*

If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135 and 11.26(n)–(o) and 34 Administrative Code 9.416. *Tax Code 11.135, .26(n)–(o); 34 TAC 9.416*

*Disabled
Veterans and
Their Families*
Portion of
Assessed Value
Owned
Residence

Pursuant to Tax Code 11.22, a disabled veteran and, if that person dies, the person's unmarried surviving spouse or unmarried children, is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates in accordance with Tax Code 11.22(f). *Tax Code 11.22*

*Donated
Residence*

A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization:

1. At no cost to the disabled veteran; or
2. At some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date the donation is made.

The surviving spouse of a disabled veteran who qualified for the exemption of a percentage of the appraised value of the disabled veteran's residence homestead when the disabled veteran died is entitled to an exemption in accordance with Tax Code 11.132.

Tax Code 11.132(b)–(c)

Total Appraised
Value

A disabled veteran who has been awarded by the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead.

The surviving spouse of a disabled veteran who qualified for an exemption under Tax Code 11.131(b) when the disabled veteran died, or of a disabled veteran who would have qualified for an exemption under Section 11.131(b) if Section 11.131(b) had been in effect on the date the disabled veteran died, is entitled to an exemption from taxation of the total appraised value of the same property to which the disabled veteran's exemption applied, or to which the disabled veteran's exemption would have applied if the exemption had been authorized on the date the disabled veteran died, if the surviving spouse has not remarried since the death of the disabled veteran; and the property:

1. Was the residence homestead of the surviving spouse when the disabled veteran died; and
2. Remains the residence homestead of the surviving spouse.

If a surviving spouse who qualifies for an exemption under Tax Code 11.131(c) subsequently qualifies a different property as the surviving spouse's residence homestead, the surviving spouse is

entitled to an exemption from taxation of the subsequently qualified homestead in accordance with Tax Code 11.131(d).

Tax Code 11.131(b)–(d)

*Surviving Spouse
of Armed
Services Member*

The surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead in accordance with Tax Code 11.133. *Tax Code 11.133(b)*

*Surviving Spouse
of First
Responder*

The surviving spouse of a first responder listed in Government Code 615.003 who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead in accordance with Tax Code 11.134. *Tax Code 11.134(b)*

Exemption for
Property Damaged
by a Disaster

A person is entitled to an exemption from taxation by a taxing unit of a portion of the appraised value of qualified property that the person owns in an amount determined under Tax Code 11.35(h). *Tax Code 11.35(b)*

*Application for
Exemption*

A person who qualifies for an exemption under this section must apply for the exemption in accordance with Tax Code 11.43(s). *Tax Code 11.43(s)*

*Expiration of
Exemption*

The exemption authorized by this section expires as to an item of qualified property on January 1 of the first tax year in which the property is reappraised under Tax Code 25.18. *Tax Code 11.35(k)*

*Qualified
Property*

"Qualified property" means property that:

1. Consists of tangible personal property used for the production of income; an improvement to real property; or a manufactured home as that term is defined by Occupations Code 1201.003 that is used as a dwelling, regardless of whether the owner of the manufactured home elects to treat the manufactured home as real property under Occupations Code 1201.2055;
2. Is located in an area declared by the governor to be a disaster area following a disaster;
3. Is at least 15 percent damaged by the disaster, as determined by the chief appraiser under Tax Code 11.35; and
4. For property described by item 1, is the subject of a rendition statement or property report filed by the property owner under Tax Code 22.01 that demonstrates that the property had taxable situs in the disaster area for the tax year in which the disaster occurred.

Tax Code 11.35(a)

Goods-in-Transit	<p>A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit. <i>Tax Code 11.253(b)</i></p> <p>In accordance with Tax Code 11.253, the governing body of a taxing unit, in a manner required for official action by the governing body, may provide for the taxation of goods-in-transit exempt as set out above and not exempt under other law. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the governing body proposes to tax goods-in-transit. Before acting to tax the exempt property, the governing body must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). The goods-in-transit remain subject to taxation by the taxing unit until the governing body of the taxing unit, in the manner required for official action, rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption prescribed above will apply to that taxing unit. <i>Tax Code 11.253(j)</i></p> <p>Notwithstanding Tax Code 11.253(j) or official action that was taken before October 1, 2011, to tax goods-in-transit under the above exemption, a taxing unit may not tax such goods-in-transit in a tax year that begins on or after January 1, 2012, unless the governing body of the taxing unit takes official action on or after October 1, 2011, in the manner required for official action by the board, to provide for the taxation of the goods-in-transit. <i>Tax Code 11.253(j-1)</i></p>
<i>Exception</i>	<p>If the governing body of the taxing unit, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the goods-in-transit for the payment of a debt of the taxing unit, the tax officials of the taxing unit may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition would impair the obligation of the contract by which the debt was created. <i>Tax Code 11.253(j-2)</i></p>
<i>Extension for Property in Disaster Area</i>	<p>This provision applies only to a taxing unit any part of which is located in an area designated a disaster area by a disaster declaration issued under Government Code 418.040 or 418.108 on or after January 1, 2020. The governing body of a taxing unit, in the manner provided by law for official action, may extend the date by which goods-in-transit must be transported to another location in this state or outside this state to a date not later than the 270th day after the date the person acquired the property in or imported the property into this state. An extension adopted by official action under this provision applies only to the exemption from ad valorem taxation by the taxing unit adopting the extension and the tax year in which the extension is adopted. <i>Tax Code 11.253(l)</i></p>

Additional Exemptions	A taxing unit is required or permitted, as applicable, to grant additional tax exemptions as provided by law. <i>Tex. Const. Art. VIII, Sec. 1-b; Tax Code Ch. 11, Subch. B</i>
Notice of Optional Exemption	If a taxing unit adopts, amends, or repeals an exemption that the unit by law has the option to adopt or not, the taxing unit shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. <i>Tax Code 6.08</i>
Tax Payments	
Discounts	The governing body of a taxing unit may adopt one of the discounts described below, or both, in the manner required by law for official action by the body. <i>Tax Code 31.05(a)</i>
<i>Option 1</i>	A taxing unit may adopt the following discounts to apply regardless of the date of which it mails its tax bills: <ol style="list-style-type: none">1. Three percent if the tax is paid in October or earlier;2. Two percent if the tax is paid in November; and3. One percent if the tax is paid in December. This discount does not apply to taxes that are calculated too late for it to be available. <i>Tax Code 31.04(c), .05(b)</i>
<i>Option 2</i>	A taxing unit may adopt the following discounts to apply when it mails its tax bills after September 30: <ol style="list-style-type: none">1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed;2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed; and3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed. <i>Tax Code 31.05(c)</i>
<i>Both Options</i>	If a taxing unit adopts both discounts, the discounts described at Option 1 apply unless the tax bills for the unit are mailed after September 30, in which case only the discounts described at Option 2 apply. <i>Tax Code 31.05(a)</i>
<i>Rescission</i>	The governing body of a taxing unit may rescind a discount adopted by the governing body in the manner required by law for official action by the body. The rescission of a discount takes effect

in the tax year following the year in which the discount is rescinded. *Tax Code 31.05(d)*

Split Payment

The governing body of a taxing unit that collects its own taxes may provide, in a manner required by law for official action by the body, that a person who pays one-half of the unit's taxes before December 1 may pay the remaining one-half of the taxes without penalty or interest before July 1 of the following year. The split-payment option, if adopted, applies to taxes for all units for which the adopting taxing unit collects taxes.

If one or more taxing units contract with the appraisal district for collection of taxes, the split-payment option does not apply to taxes collected by the district unless approved by resolution adopted by a majority of the governing bodies of the taxing units whose taxes the district collects and filed with the secretary of the appraisal district board of directors. After an appraisal district provides for the split-payment option, the option applies to all taxes collected by the district until revoked. It may be revoked in the same manner as provided for adoption.

This payment option does not apply to taxes that are calculated too late for it to be available.

Tax Code 31.03, .04(c)

*In Certain
Counties*

The governing body of a taxing unit located in a county having a population of not less than 285,000 and not more than 300,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide that the split-payment option does not apply to the taxing unit's taxes collected by the other taxing unit. *Tax Code 31.03(d)*

Installment
Payments

*Certain
Homesteads*

Tax Code 31.031 applies only to an individual who is disabled or at least 65 years of age and qualified for an exemption under Tax Code 11.13(c) or an individual who is a disabled veteran or the unmarried surviving spouse of a disabled veteran and qualified for an exemption under Tax Code 11.132 or 11.22. Subject to Section 31.031, an individual to whom this section applies may pay a taxing unit's taxes imposed on property that the person owns and occupies as a residence homestead in four equal installments without penalty or interest if the first installment is before the delinquency date and is accompanied by notice that the individual will pay the remaining taxes in three equal installments. If the delinquency date is February 1, the second installment must be paid before April 1, the third installment must be paid before June 1, and the fourth installment must be paid before August 1. If the delinquency date is a date other than February 1, the second installment must be paid

before the first day of the second month after the delinquency date, the third installment must be paid before the first day of the fourth month after the delinquency date, and the fourth installment must be paid before the first day of the sixth month after the delinquency date.

Notwithstanding the deadline prescribed above for payment of the first installment, an individual to whom this section applies may pay the taxes in four equal installments as provided above if the first installment is paid and the required notice is provided before the first day of the first month after the delinquency date.

Tax Code 31.031(a)-(a-2)

*Damaged
Property in a
Disaster or
Emergency Area*

This section applies to:

1. Real property that:
 - a. Is the residence homestead of the owner or consists of property that is used for residential purposes and that has fewer than five living units or is owned or leased by a business entity that had not more than the amount calculated as provided by Tax Code 31.032(h) in gross receipts in the entity's most recent federal tax year or state franchise tax annual period, according to the applicable federal income tax return or state franchise tax report of the entity;
 - b. Is located in a disaster area or emergency area; and
 - c. Has been damaged as a direct result of the disaster or emergency;
2. Tangible personal property that is owned or leased by a business entity described above at paragraph 1a; and
3. Taxes that are imposed on the property by a taxing unit before the first anniversary of the disaster or emergency.

A person may pay a taxing unit's taxes imposed on property that the person owns in four equal installments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by notice to the taxing unit that the person will pay the remaining taxes in three equal installments in accordance with Tax Code 31.032. [Any notice under this provision shall be in writing.](#)

Notwithstanding the deadline prescribed above for payment of the first installment, a person to whom this section applies may pay the

taxes in four equal installments as provided above if the first installment is paid and the required notice is provided before the first day of the first month after the delinquency date.

Tax Code 31.032(a)–(b-1); 34 TAC 9.3060(a)

Undamaged
Property in a
Disaster or
Emergency Area

This section only applies to:

~~1.~~—Real property that :

~~a.~~— is owned or leased by a business entity ~~that had not more than the amount calculated as provided by Tax Code 31.032(h) in gross receipts in the entity's most recent federal tax year or state franchise tax annual period, according to the applicable federal income tax return or state franchise tax report of the entity;~~

~~b.~~— is located in a disaster ~~area~~ or emergency area; ~~and~~

~~2.1.~~ has not been damaged as a direct result of the disaster or emergency; and that had gross receipts in the entity's most recent federal income tax year or state franchise tax annual period that were not more than the amount calculated as provided by Tax Code 31.032(h);

~~3.2.~~ Tangible personal property that is owned or leased by a business entity described above at paragraph ~~4a~~1; and

~~4.3.~~ Taxes ~~that are~~ imposed ~~on the property~~ by ~~athe~~ taxing unit before the first anniversary of the disaster or emergency.

~~The governing body of a taxing unit may authorize~~For a taxing unit that has adopted an installment payment plan under Tax Code 31.033, Tax Code 31.032(b), (b-1), (c), and (d) apply to the payment by a person ~~to pay the~~of that taxing unit's taxes imposed on property that the person owns ~~in installments in accordance with Tax Code 31.032(b)–(d).~~

Tax Code 31.033(b)–(c); 34 TAC 9.3061(b)–(c)

Partial Payments

A tax collector may adopt a policy of accepting partial payments of property taxes. Acceptance of a partial payment does not affect the date that the tax becomes delinquent, but the penalties and interest provided by Tax Code 33.01 are incurred only by the portion of tax that remains unpaid on the date the tax becomes delinquent. A payment option provided by Tax Code 31.03 or a discount adopted under Tax Code 31.05 does not apply to any portion of a partial payment. *Tax Code 31.07(c)*

Performing Services in Lieu of Paying Taxes	In accordance with Tax Code 31.035, the governing body of a taxing unit may permit an individual who is at least 65 years of age to perform service to the taxing unit in lieu of paying property taxes imposed by the taxing unit on property owned by the individual and occupied as the individual's residence homestead. While performing service for the taxing unit, the property owner is not an employee of the taxing unit and is not entitled to any benefit, including workers' compensation coverage, that the taxing unit provides to an employee of the taxing unit. <i>Tax Code 31.035(a), (f)</i>
Delinquency Date	<p>Taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed, except as provided below:</p> <ol style="list-style-type: none">1. The taxing unit has provided for split payments, as described above. <i>Tax Code 31.03</i>2. The taxing unit's tax bills are mailed after January 10. <i>Tax Code 31.04(a)</i>3. The taxing unit's tax bills are mailed after September 30 and the taxing unit has adopted discounts provided by Tax Code 31.05(c). <i>Tax Code 31.04(d)</i>4. A person who owns any interest in the property is an eligible person serving on active duty in any branch of the U.S. armed forces as provided by Tax Code 31.02(b). <p><i>Tax Code 31.02</i></p>
Delinquent Tax Collection	The governing body of a taxing unit may contract with any competent attorney to represent the unit to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. <i>Tax Code 6.30(c)</i>
Penalties and Interest	Delinquent taxes incur penalties and accrue interest in accordance with Tax Code 33.01, subject to any waiver by the board pursuant to Tax Code 33.011.
Additional Penalties	A taxing unit or appraisal district may provide, in the manner required by law for official action by the body, that taxes that become delinquent on or after February 1 but not later than May 1 of that year and remain delinquent on July 1 of the year in which they become delinquent incur an additional penalty to defray costs of collection, if the unit or district or another unit that collects taxes for the unit has contracted with a private attorney for the collection of delinquent taxes pursuant to Tax Code 6.30. The amount of the penalty may not exceed the amount of the compensation specified

in the contract with the attorney to be paid in connection with the collection of the delinquent taxes. A tax lien attaches to the property on which the tax is imposed to secure payment of the penalty. If a taxing unit or appraisal district provides for a penalty under this section, the collector shall deliver notice of the delinquency and of the penalty to the property owner at least 30 and not more than 60 days before July 1.

If the governing body of the taxing unit or appraisal district has imposed the penalty for collection costs described above and the taxing unit or appraisal district, or another taxing unit that collects taxes for the unit, has entered into a contract with an attorney under Tax Code 6.30 for collection of delinquent taxes, the governing body of the taxing unit or appraisal district, in a manner required by law for official action, may provide that taxes that become delinquent on or after June 1 under Tax Code 26.075(j), 26.15(e), 31.03, 31.031, 31.032, 31.033, 31.04, or 42.42 incur an additional penalty to defray costs of collection. The amount of the penalty may not exceed the amount of compensation specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes. A tax lien attaches to the property on which the tax is imposed to secure payment of the additional penalty. After the taxes become delinquent, the collector for a taxing unit or appraisal district that has provided for the additional penalty shall send a notice of the delinquency and the penalty to the property owner. The penalty is incurred on the first day of the first month that begins at least 21 days after the date the notice is sent.

Tax Code 33.07-.08

Applicable Law	<p>The provisions of Education Code Chapter 44, Subchapter B, relating to the purchase of goods and services under contract by a school district apply to the purchase of goods and services under contract by a junior college district.</p> <p>To the extent of any conflict, the provisions of Chapter 44, Subchapter B prevail over any other law relating to the purchase of goods and services by a junior college district.</p> <p><i>Education Code 44.0311(a), 130.010</i></p>
Exception	<p>Education Code Chapter 44, Subchapter B does not apply to a purchase, acquisition, or license of library goods and services for a library operated as a part of a junior college district. "Library goods and services" has the meaning assigned by Education Code 130.0101(a). [See EDAA] <i>Education Code 44.0311(c)</i></p> <hr/> <p>Note: For information on purchases using federal funds, see CAAB.</p> <hr/>
Board Authority	<p>The board of trustees of the district may adopt rules and procedures for the acquisition of goods and services. <i>Education Code 44.031(d)</i></p>
Delegation of Authority	<p>The board of trustees of the district may, as appropriate, delegate its authority under Education Code Chapter 44, Subchapter B, regarding an action authorized or required by Chapter 44, Subchapter B, to be taken by a college district to a designated person, representative, or committee.</p> <p>The board may not delegate the authority to act regarding an action authorized or required by Education Code Chapter 44, Subchapter B, to be taken by the board.</p> <p><i>Education Code 44.0312(a)–(b)</i></p>
<i>Disaster Exception</i>	<p>Notwithstanding any other provision of the Education Code, in the event of a catastrophe, emergency, or natural disaster affecting a college district, the board of trustees of the district may delegate to the college chief executive officer or designated person the authority to contract for the replacement, construction, or repair of college district equipment or facilities under Education Code Chapter 44, Subchapter B, if emergency replacement, construction, or repair is necessary for the health and safety of district students and staff.</p> <p><i>Education Code 44.0312(c)</i></p>
Contract with Another Agency	<p>Except as provided by Government Code 771.003, an agency, including a junior college district, may agree or contract with another</p>

agency for the provision of necessary and authorized services and resources. *Gov't Code 771.003(a)*

**Purchases Valued at
or Above \$50,000**

Except as provided by Education Code Chapter 44, Subchapter B, all college district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period, shall be made by the method that provides the best value for the district:

1. Competitive bidding for services other than construction services.
2. Competitive sealed proposals for services other than construction services.
3. A request for proposals, for services other than construction services.
4. An interlocal contract.
5. The reverse auction procedure as defined by Government Code 2155.062(d).
6. The formation of a political subdivision corporation under Local Government Code 304.001.

Education Code 44.031(a)

Note: Regarding construction of school facilities, see CM generally; CMA for competitive bidding; CMB for competitive sealed proposals; CMC and CMD for contracts using a construction manager; CME for design/build contracts; and CMF for job-order contracts for minor repairs/alterations.

Regarding notice to the Legislative Budget Board (LBB) about contracts, see GGC.

Factors

Except as provided by Education Code Chapter 44, Subchapter B, in determining to whom to award a contract, the district shall consider:

1. The purchase price.
2. The reputation of the vendor and of the vendor's goods and services.
3. The quality of the vendor's goods or services.

4. The extent to which the goods or services meet the district's needs.
5. The vendor's past relationship with the district.
6. The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.
7. The total long-term cost to the district to acquire the goods or services.
8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.
9. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

In awarding a contract by competitive sealed bid under Education Code 44.031, a college district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code 271.9051. This provision does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. 153.

Education Code 44.031(b-1)

The factors listed above are the only criteria that may be considered by the college district in its decision to award a contract. The college district may apply one, some, or all of the criteria, but it may not completely ignore them. *R.G.V. Vending v. Weslaco Indep. Sch. Dist.*, 995 S.W.2d 897 (Tex. App.—Corpus Christi 1999, no pet.).

Out-of-State Bidder

A governmental entity, including a college district, may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located, or the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which a majority of the manufacturing relating to the contract will be performed.

This requirement does not apply to a contract involving federal funds. A governmental entity shall use the information published by the comptroller in the Texas Register in evaluating the bids of a nonresident bidder.

Gov't Code 2252.001-.004

Contracts Valued at or Above \$1 Million

This section applies to an entity that is not a governmental body that executes a contract with a governmental body that:

1. Has a stated expenditure of at least \$1 million in public funds for the purchase of goods or services by the governmental body; or
2. Results in the expenditure of at least \$1 million in public funds for the purchase of goods or services by the governmental body in a fiscal year of the governmental body.

Gov't Code 552.371(a)

Contract Requirements

A contract described above must require a contracting entity to:

1. Preserve all contracting information related to the contract as provided by the records retention requirements applicable to the governmental body for the duration of the contract;
2. Promptly provide to the governmental body any contracting information related to the contract that is in the custody or possession of the entity on request of the governmental body; and
3. On completion of the contract, either:
 - a. Provide at no cost to the governmental body all contracting information related to the contract that is in the custody or possession of the entity; or
 - b. Preserve the contracting information related to the contract as provided by the records retention requirements applicable to the governmental body.

Gov't Code 552.372(a)

Acknowledgement of PIA Requirements

Unless Government Code 552.374(c) applies, a bid for a contract described above and the contract must include the following statement: "The requirements of Subchapter J, Chapter 552, Government Code, may apply to this (include "bid" or "contract" as applicable) and the contractor or vendor agrees that the contract can be terminated if the contractor or vendor knowingly or intentionally fails to comply with a requirement of that subchapter." *Gov't Code 552.372(b)*

Bid Acceptance and Contract Award Prohibited A governmental body may not accept a bid for a contract described by Government Code 552.371 or award the contract to an entity that the governmental body has determined has knowingly or intentionally failed to comply with Government Code Chapter 552, Subchapter J in a previous bid or contract described by that section unless the governmental body determines and documents that the entity has taken adequate steps to ensure future compliance with the requirements of Subchapter J. *Gov't Code 552.372(c)*

Termination of Contract A governmental body may terminate a contract described above if:

1. The governmental body provides notice under Government Code 552.373 to the entity that is party to the contract;
2. The contracting entity does not cure the violation in the period prescribed by Government Code 552.373;
3. The governmental body determines that the contracting entity has intentionally or knowingly failed to comply with a requirement of Subchapter J; and
4. The governmental body determines that the entity has not taken adequate steps to ensure future compliance with the requirements of Subchapter J. An entity has taken adequate steps to ensure future compliance with Subchapter J if the entity produces contracting information requested by the governmental body that is in the custody or possession of the entity not later than the tenth business day after the date the governmental body makes the request and the entity establishes a records management program to enable the entity to comply with Subchapter J.

Gov't Code 552.374(a)–(b)

Exception

A governmental body may not terminate a contract under this section if the contract is related to the purchase or underwriting of a public security, the contract is or may be used as collateral on a loan, or the contract's proceeds are used to pay debt service of a public security or loan. *Gov't Code 552.374(c)*

Contract with Person Indebted to College District

The board of trustees of a college district by resolution may establish regulations permitting the college district to refuse to enter into a contract or other transaction with a person indebted to the college district. It is not a violation of Education Code Chapter 44, Subchapter B, for a college district, under the adopted regulations, to refuse to award a contract to or enter into a transaction with an apparent low bidder or successful proposer that is indebted to the college district.

The term "person" includes an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, limited liability company, and any other entity that seeks to enter into a contract or other transaction with the college district requiring approval by the board.

Education Code 44.044

Contracts Prohibited

Scrutinized
Companies

A governmental entity, including a college district, may not enter into a governmental contract with a company that is identified on a list prepared and maintained by the comptroller under Government Code 806.051, 807.051, or 2252.153.

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment. The term includes a contract to obtain a professional or consulting service subject to Government Code Chapter 2254.

Gov't Code 2252.001(3), .152

Companies that
Boycott Israel

This section applies only to a contract that:

1. Is between a governmental entity and a company with ten or more full-time employees; and
2. Has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not boycott Israel and will not boycott Israel during the term of the contract.

"Boycott Israel" has the meaning assigned by Government Code 808.001.

"Company" has the meaning assigned by Government Code 808.001, except that the term does not include a sole proprietorship.

Gov't Code 2271.001(1)–(2), .002

Companies that
Boycott Energy
Companies

This section applies only to a contract that:

1. Is between a governmental entity and a company with ten or more full-time employees; and
2. Has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written

verification from the company that it does not boycott energy companies and will not boycott energy companies during the term of the contract.

"Boycott energy company" has the meaning assigned by Government Code 809.001.

"Company" has the meaning assigned by Government Code 809.001, except that the term does not include a sole proprietorship.

Gov't Code 2274.001(1)–(2), .002(a)–(b)

Exception

The above section does not apply to a governmental entity that determines the requirements of that section are inconsistent with the governmental entity's constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds.
Gov't Code 2274.002(c)

Companies that
Discriminate
Against a Firearm
Entity or Firearm
Trade Association

This section applies only to a contract that:

1. Is between a governmental entity and a company with at least ten full-time employees; and
2. Has a value of at least \$100,000 that is to be paid wholly or partly from public funds of the governmental entity.

A governmental entity may not enter into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association.

Gov't Code 2274.002(a)–(b)

Definition

"Discriminate against a firearm entity or firearm trade association" means, with respect to the entity or association, to:

1. Refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association;
2. Refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or
3. Terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association.

The term does not include:

1. The established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and
2. A company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship:
 - a. To comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or
 - b. For any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association.

Gov't Code 2274.001(3)

Exceptions

The above prohibition does not apply to a governmental entity that contracts with a sole-source provider or does not receive any bids from a company that is able to provide the written verification required by that section.

The above prohibition does not apply to a contract entered into in connection with or relating to the issuance, sale, or delivery of notes under Government Code Chapter 404, Subchapter H, or the administration of matters related to the notes, including the investment of note proceeds, as provided by Government Code 2274.003.

Gov't Code 2274.002(c), .003

Contracts with
Foreign-Owned
Companies

A governmental entity may not enter into a contract or other agreement relating to critical infrastructure in this state with a company:

1. If, under the contract or other agreement, the company would be granted direct or remote access to or control of critical infrastructure in this state, excluding access specifically allowed by the governmental entity for product warranty and support purposes; and
2. If the governmental entity knows that the company is:
 - a. Owned by or the majority of stock or other ownership interest of the company is held or controlled by:
 - (1) Individuals who are citizens of China, Iran, North Korea, Russia, or a designated country; or

- (2) A company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country; or
- b. Headquartered in China, Iran, North Korea, Russia, or a designated country.

"Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.

"Critical infrastructure" means the measures taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access.

"Designated country" means a country designated by the governor as a threat to critical infrastructure under Government Code 2274.0103.

Gov't Code 2274.0101(1), (2), (4), .0102(a)

Required Disclosures

Disclosure of Interested Parties

A governmental entity or state agency, including a college district, may not enter into a contract with a business entity that requires an action or vote by the governing body of the entity or agency before the contract may be signed, has a value of at least \$1 million, or is for services that would require a person to register as a lobbyist under Government Code Chapter 305, with certain exceptions, unless the business entity, in accordance with Government Code 2252.908 and rules adopted by the Texas Ethics Commission, submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. [See GL] *Gov't Code 2252.908*

Disclosures by Purchasing Personnel

Before a state agency, including a college district, may award a major contract, a contract that has a value of at least \$1 million, for the purchase of goods or services to a business entity, each of the state agency's purchasing personnel working on the contract must disclose in writing to the administrative head of the state agency any relationship the purchasing personnel is aware about that the employee has with an employee, a partner, a major stockholder, a paid consultant with a contract with the business entity the value of which exceeds \$25,000, or other owner of the business entity who is within a degree described by Government Code 573.002, the

third degree by consanguinity or within the second degree by affinity of the purchasing employee. The state auditor shall develop a form for use in reporting a specified relationship.

"Purchasing personnel" means an employee of a state agency who makes decisions on behalf of the state agency or recommendations regarding contract terms or conditions on a major contract, who is to be awarded a major contract, preparation of a solicitation for a major contract, or evaluation of a bid or proposal.

Gov't Code 2262.001(4), .004

*Notice
Publication*

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

Electronic Bids or Proposals

A college district may receive bids or proposals under Education Code Chapter 44 through electronic transmission if the board of trustees of the college district adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

An electronic bid or proposal is not required to be sealed. A provision of Education Code Chapter 44 that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted by the board.

Education Code 44.0313

Professional Services

The purchasing requirements of Education Code 44.031 do not apply to a contract for professional services rendered, including services of an architect, attorney, certified public accountant, engineer, or fiscal agent.

The college district may, at its option, contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031.

Education Code 44.031(f)

A governmental entity, including a college district, may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price.

"Professional services" means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science;
2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, an architect, a landscape architect, a land surveyor, a physician, including a surgeon, an optometrist, a professional engineer, a state certified or state licensed real estate appraiser, a registered nurse, or a forensic analyst or forensic science expert; or
3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Occupations Code Chapter 1053.

Gov't Code 2254.002, .003(a) [See also CM]

An interlocal contract between a governmental entity and a purchasing cooperative may not be used to purchase engineering or architectural services. *Gov't Code 791.011(h)*

Certain Medical Services

If a governmental entity is procuring services provided in connection with the professional employment or practice of a physician, including a surgeon, or an optometrist or registered nurse and the number of contracts to be awarded under this section is not otherwise limited, the governmental entity may make the selection and award on the basis of:

1. The provider's agreement to payment of a set fee, as a range or lump-sum amount; and
2. The provider's affirmation and the governmental entity's verification that the provider has the necessary occupational licenses and experience.

Gov't Code 2254.008(a)

Professional Services Contract Exceeding \$50,000	A state agency, including a college district and other institutions of higher education, shall provide written notice to the LBB of a contract for professional services, other than a contract for physician or optometric services, if the amount of the contract, including an amendment, modification, renewal, or extension of the contract, exceeds \$50,000. The notice must be on a form prescribed by the LBB and filed not later than the 30th day after the date the agency enters into the contract. <i>Gov't Code 2254.006</i>
Contingent Fee Contracts for Legal Services	Government Code Chapter 2254, Subchapter C, provisions applicable to a state governmental entity and a political subdivision apply to a contingent fee contract for legal services entered into by a college district. <i>Gov't Code 2254.102(a)</i>
Exceptions	Subchapter C does not apply to a contract for legal services entered into by a political subdivision for the collection of an obligation that is delinquent or for services under Government Code 1201.027, except that Government Code 2254.1032, 2254.1034, 2254.1036, and 2254.1037 do apply to the contract. "Obligation" includes a debt, judgment, claim, account, fee, fine, tax, penalty, interest, loan, charge, or grant. <i>Gov't Code 2107.001(1), 2254.102(e)</i>
Emergency Damage or Destruction	If school equipment, a school facility, or a portion of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board of trustees determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. <i>Education Code 44.031(h)</i>
Computers and Computer-Related Equipment	A college district may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contracts entered into in accordance with Government Code Chapter 2054 or 2157. <i>Education Code 44.031(i)</i>
Purchasing Through DIR	
Purchase Using Competitive Bidding	Each institution of higher education, including each college district, that solicits bids or proposals from the public for the purchase and/or lease of computer equipment must do so in accordance with applicable rules adopted by the comptroller pertaining to competitive bidding or competitive sealed proposals. <i>1 TAC 217.30(c)</i>
<i>Required Certification</i>	A public solicitation for the purchase or lease of computer equipment issued by an institution of higher education is required to contain the certification to be completed by bidders, in accordance with 1 Administrative Code 217.30. Failure of a bidder to provide this

certification shall render the bidder ineligible to participate in the bidding. The institution of higher education shall reject the related bid and not evaluate it. *1 TAC 217.30(a)–(b)*

*Special
Preference*

All institutions of higher education shall include in all bids for the purchase or lease of computer equipment a special preference for all manufacturers that have a program to recycle the computer equipment of other manufacturers, which program includes collection events and manufacturer initiatives to accept computer equipment labeled with another manufacturer's brand. The preference may take the form of extra evaluation points or be the tie-breaking factor among equal bids. *1 TAC 217.31*

*Computer
Equipment*

“Computer equipment” is defined as a desktop or notebook computer and includes a computer monitor or other display device that does not contain a tuner. *1 TAC 217.1(1)*

**Cloud Computing
Services**

A state agency, including a college district, shall require each vendor contracting with the agency to provide cloud computing services for the agency to comply with the requirements of the state risk and authorization management program as provided by Government Code 2054.0593. DIR shall evaluate vendors to determine whether a vendor qualifies for a certification issued by DIR reflecting compliance with program requirements.

A state agency may not enter or renew a contract with a vendor to purchase cloud computing services for the agency that are subject to the state risk and authorization management program unless the vendor demonstrates compliance with program requirements.

A state agency shall require a vendor contracting with the agency to provide cloud computing services for the agency that are subject to the state risk and authorization management program to maintain program compliance and certification throughout the term of the contract.

In this section, “cloud computing service” has the meaning assigned by Government Code 2157.007.

Gov't Code 2054.0593(a), (d)–(f)

**Data Security
Controls for Vendors**

Each state agency, including a college district, entering into or renewing a contract with a vendor authorized to access, transmit, use, or store data for the agency shall include a provision in the contract requiring the vendor to meet the security controls the agency determines are proportionate with the agency's risk under the contract based on the sensitivity of the agency's data. The vendor must periodically provide to the agency evidence that the vendor meets the security controls required under the contract. *Gov't Code 2054.138*

Automated Information System

A local government, including a college district, shall purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A local government that purchases an item using a method listed above satisfies any state law requiring the local government to seek competitive bids for the purchase of the item. [\[See 1 Administrative Code Chapter 212 for rules related to purchases of commodity items.\]](#) *Gov't Code 2157.006; 34 TAC 20.391*

Sole Source

Without complying with Education Code 44.031(a), a college district may purchase an item that is available from only one source, including:

1. An item for which competition is precluded because of a patent, copyright, secret process, or monopoly.
2. A film, manuscript, or book.
3. A utility service, including electricity, gas, or water.
4. A captive replacement part or component for equipment.

The sole source exception does not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.

Education Code 44.031(j)–(k)

Insurance

A contract for the purchase of insurance is a contract for the purchase of personal property and shall be made in accordance with Education Code 44.031. *Education Code 44.031; Atty. Gen. Op. DM-347 (1995)*

Multiyear Contracts

The college district may execute an insurance contract for a period longer than 12 months, if the contract contains either or both of the provisions described at Commitment of Current Revenue, below. If the college district executes a multiyear insurance contract, it need not advertise for insurance vendors until the 12-month period during which the college district will be executing a new insurance contract. *Atty. Gen. Op. DM-418 (1996)*

Competitive Bidding

Except to the extent prohibited by other law and to the extent consistent with Education Code Chapter 44, Subchapter B, a college district may use competitive bidding to select a vendor as authorized by Education Code 44.031(a)(1).

A college district shall award a competitively bid contract at the bid amount to the bidder offering the best value for the district. In determining the best value for the district, the district is not restricted

to considering price alone but may consider any other factors stated in the selection criteria. The selection criteria may include the factors listed in Education Code 44.031(b) [see Factors, above].

Except as provided below, Local Government Code Chapter 271, Subchapter B does not apply to a competitive bidding process under this policy.

Education Code 44.0351

Opening Bids

Bids may be opened only by the governing body of the governmental entity at a public meeting or by an officer or employee of the governmental entity at or in an office of the governmental entity. A bid that has been opened may not be changed for the purpose of correcting an error in the bid price.

The governmental entity is entitled to reject any and all bids.

Local Gov't Code 271.026–.027(a)

Safety Record

In determining who is a responsible bidder, the governmental entity may take into account the safety record of the bidder; of the firm, corporation, partnership, or institution represented by the bidder; or of anyone acting for such firm, corporation, partnership, or institution if:

1. The governing body of the governmental entity has adopted a written definition and criteria for accurately determining the safety record of a bidder.
2. The governing body has given notice to prospective bidders in the bid specifications that the safety record of a bidder may be considered in determining the responsibility of the bidder.
3. The determinations are not arbitrary and capricious.

Local Gov't Code 271.0275

Identical Bids

If a district is required to accept bids on a contract and receives two or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, the governing body of the district shall enter into a contract with only one of those bidders and must reject all other bids.

If only one of the bidders submitting identical bids is a resident of the district, the district must select that bidder. If two or more of the bidders submitting identical bids are residents of the district, the district must select one of those bidders by the casting of lots. In all other cases, the district must select from the identical bids by the casting of lots.

The casting of lots must be in a manner prescribed by the governing body of the district and must be conducted in the presence of the governing body of the district. All qualified bidders or their legal representatives may be present at the casting of lots.

This section does not prohibit a district from rejecting all bids.

Local Gov't Code 271.901

Competitive Sealed Proposals

In selecting a vendor through competitive sealed proposals as authorized by Education Code 44.031(a)(2), a college district shall follow the procedures prescribed below. *Education Code 44.0352(a)*

Request for Proposals

The district shall prepare a request for competitive sealed proposals that includes information that vendors may require to respond to the request. The district shall state in the request for proposals the selection criteria that will be used in selecting the successful offeror. *Education Code 44.0352(b)*

Opening Proposals

The district shall receive, publicly open, and read aloud the names of the offerors and, if any are required to be stated, all prices stated in each proposal. Not later than the 45th day after the date on which the proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria. *Education Code 44.0352(c)*

Selection

The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected. *Education Code 44.0352(d)*

Best Value Determination

In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria. *Education Code 44.0352(e)*

Interlocal Agreements

A local government, including a college district, may contract or agree with another local government or with the state or a state agency, including the comptroller, or a federally recognized Indian Tribe, as listed by the U.S. secretary of the interior under 25 U.S.C. 479a-1, whose reservation is located within the boundaries of this state to perform governmental functions and services, such as to

purchase goods and services, in accordance with Government Code Chapter 791. *Gov't Code 791.001, .011, .025*

An interlocal contract must be authorized by the governing body of each party to the contract; must state the purpose, terms, rights, and duties of the contracting parties; and must specify that each party paying for the performance of governmental functions or services shall make those payments from current revenues available to the paying party.

An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract. An interlocal contract may have a specified term of years. An interlocal contract may be renewed.

Gov't Code 791.011(d)–(f), (i)

A local government, including a council of governments, may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the comptroller, to purchase goods and services reasonably required for the installation, operation, or maintenance of the goods. This provision does not apply to services provided by firefighters, police officers, or emergency medical personnel.

A local government that purchases goods and services under Government Code 791.025 satisfies the requirement to seek competitive bids for the purchase of goods and services.

Gov't Code 791.025(b)–(c); Atty. Gen. Op. JC-37(1999)

A local government may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative in an amount greater than \$50,000 unless a person designated by the local government certifies in writing that:

1. The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Occupations Code Chapter 1001 or 1051; or
2. The plans and specifications required under Chapters 1001 and 1051 have been prepared.

“Purchasing cooperative” means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors.

Gov't Code 791.011(j)

State Purchasing Program

The comptroller shall establish a program by which the comptroller performs purchasing services for local governments. The services must include:

1. The extension of state contract prices to participating local governments when the comptroller considers it feasible;
2. Solicitation of bids on items desired by local governments if the solicitation is considered feasible by the comptroller and is desired by the local government; and
3. Provision of information and technical assistance to local governments about the purchasing program.

The comptroller may charge a participating local government an amount not to exceed the actual costs incurred by the comptroller in providing purchasing services to the local government under the program.

*Local Gov't Code 271.082***College District Requirements**

A local government may participate in the purchasing program, including participation in purchases that use the reverse auction procedure, by filing with the comptroller a resolution adopted by the governing body of the local government requesting that the local government be allowed to participate on a voluntary basis, to the extent the comptroller deems feasible, and stating that the local government shall:

1. Designate an official to act for the local government in all matters relating to the program, including the purchase of items from the vendor under any contract, and that the governing body will direct the decisions of the representative;
2. Be responsible for:
 - a. Submitting requisitions to the comptroller under any contract; or
 - b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase and electronically sending to the comptroller reports on actual purchases made under this paragraph that provide the information and are sent at the times required by the comptroller;
3. Be responsible for making payment directly to the vendor; and
4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A local government that purchases an item under a state contract or under a reverse auction procedure sponsored by the comptroller satisfies any state law requiring the local government to seek competitive bids for the purchase of the item.

Local Gov't Code 271.083

**Multiple Award
Contract Schedule**

The comptroller shall develop a schedule of multiple award contracts that have been previously awarded using a competitive process by the federal government, including the federal General Services Administration, or any other governmental entity in any state.

A local government may purchase goods or services directly from a vendor under a contract listed on a schedule. A state agency or local government contracting for the purchase of an automated information system under a contract listed on a schedule developed under this Government Code Chapter 2155, Subchapter I, shall comply with Government Code 2157.068(e-1). An authorized purchase satisfies any requirement of state law relating to competitive bids or proposals.

The price listed for a good or service under a multiple award contract is a maximum price. A local government may negotiate a lower price for goods or services under a contract listed on a schedule.

Gov't Code 2155.502, .504

**Cooperative
Purchasing Program**

A local government may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. A local government that is participating in a cooperative purchasing program may sign an agreement with another participating local government or a local cooperative stating that the signing local government will:

1. Designate a person to act under the direction of, and on behalf of, that local government in all matters relating to the program;
2. Make payments to another participating local government or local cooperative organization or directly to a vendor under a contract made under Local Government Code Chapter 271, Subchapter F, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and
3. Be responsible for the vendor's compliance with provisions relating to the quality of items and terms of delivery, to the extent provided in the agreement between the participating local

governments or between a local government and a local cooperative organization.

A local government that purchases goods or services under Local Government Code Chapter 271, Subchapter F, satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.

Local Gov't Code 271.102; Atty. Gen. Op. JC-37 (1999)

Contract-Related Fee Report

A college district that enters into a purchasing contract valued at \$25,000 or more under Education Code 44.031(a)(5) (interlocal contract), under Local Government Code Chapter 271, Subchapter F (cooperative purchasing program), or under any other cooperative purchasing program authorized for college districts by law shall document a contract-related fee, including a management fee, paid by or to the college district and the purpose of each fee under the contract.

The amount, purpose, and disposition of any fee described above must be presented in a written report and submitted annually in an open meeting of the board of trustees of the college district. The written report must appear as an agenda item.

Education Code 44.0331

Reverse Auction

A local government that uses the reverse auction procedure must include in the procedure a notice provision and other provisions necessary to produce a method of purchasing that is advantageous to the local government and fair to vendors. *Local Gov't Code 271.906(b)*

“Reverse auction procedure” means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or
2. A bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.

Gov't Code 2155.062(d)

Commitment of Current Revenue

If a contract for the acquisition, including lease, of real or personal property retains to the governing body of a local government the continuing right to terminate the contract at the expiration of each

budget period of the local government during the term of the contract, is conditioned on a best efforts attempt by the governing body to obtain and appropriate funds for payment of the contract, or contains both the continuing right to terminate and the best efforts conditions, the contract is a commitment of the local government's current revenues only. *Local Gov't Code 271.903*

Change Orders

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.

The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

A contract with an original contract price of \$1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than \$1 million increases the contract amount to \$1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.

Education Code 44.0411

Energy or Water Conservation Measures

The governing board of an institution of higher education may enter into an energy savings performance contract in accordance with Education Code 51.927. An energy savings performance contract shall be let according to the procedures established for procuring certain professional services by Government Code 2254.004. *Education Code 51.927(b), (i)*

[See policy CH for legal requirements pertaining to such contracts]

Recycled Products

A junior or community college district shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality and the average price of the product is not more than ten percent greater than the price of comparable nonrecycled products. Preferences will be applied in accordance with state procurement statutes and rules. *Health and Safety Code 361.426; 30 TAC 328.201, .203*

Exception

A college district may request additional consideration from the Texas Commission on Environmental Quality (TCEQ) if compliance with this section would create a hardship. "Hardship" means a circumstance that causes unreasonable burden on the college district. *Health and Safety Code 361.426(d); 30 TAC 328.201, .204(c)*

Agricultural Products

A college district that purchases agricultural products shall give preference to those produced, processed, or grown in this state if the cost to the college district is equal and the quality is equal. "Processed" means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form. If agricultural products produced, processed, or grown in this state are not equal in cost and quality to other products, the college district shall give preference to agricultural products produced, processed, or grown in other states of the United States over foreign products if the cost to the college district is equal and the quality is equal.

A college district may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in this state.

Education Code 44.042(a)–(b), (f), (g)(1)

Vegetation for Landscaping

A college district that purchases vegetation for landscaping purposes, including plants, shall give preference to Texas vegetation if the cost to the college district is equal and the quality is not inferior. *Education Code 44.042(c)*

Dairy Products

A political subdivision, including a college district, may not purchase milk, cream, butter, cheese, or a product consisting largely of one or more of those items, that has been imported from outside the United States. The restriction does not apply to the purchase of milk powder if domestic milk powder is not readily available in the normal course of business. *Health and Safety Code 435.021*

Imported Beef

A political subdivision, including a college district, may not purchase beef or a product consisting substantially of beef that has been imported from outside the United States. *Agriculture Code 150.012(a)*

Commodity Items

Subject to Government Code 418.193, a public safety entity, as defined by 47 U.S.C. 1401, may purchase commodity items through DIR, and be charged a reasonable administrative fee, as provided by Government Code 2157.068. *Gov't Code 2157.068(j)*

Criminal History

A person or business entity, with the exception of a publicly-held corporation, that enters into a contract with a college district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. A college district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice or misrepresented the conduct resulting in the conviction. The district must compensate the person or business

entity for services performed before the termination of the contract.
Education Code 44.034

Right to Work

While engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement, a college district:

1. May not consider whether a vendor is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to any organization.

Education Code 44.043

Impermissible Practices

An officer, employee, or agent of a college district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Education Code 44.031(a) or (b) or otherwise violates Section 44.031(a) or (b). An officer or employee of a college district commits an offense if the officer or employee knowingly violates Education Code 44.031 in any other manner.

"Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be made in one purchase. "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be purchased in one purchase. "Sequential purchases" means purchases, made over a period, of items that in normal purchasing practices would be purchased in one purchase.

Education Code 44.032(a)–(d) [See BBC]

Injunction

A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, a district attorney, a criminal district attorney, a citizen of the county in which the college district is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this provision is entitled to reasonable attorney's fees as approved by the court. *Education Code 44.032(f)*

Note: [For legal requirements applicable to property acquired with federal funds, see CAAB.](#)

Property Transfer

A state agency, including a college district or other institution of higher education or a university system, may transfer any personal property of the state in its possession to another state agency with or without reimbursement between the agencies.

When personal property in the possession of one state agency is transferred to the possession of another state agency, the transfers must be reported immediately to the comptroller by the transferor and the transferee on the forms prescribed.

Gov't Code 403.2715(e), .278

[Surplus or Salvage Property from a State Agency](#)

[A political subdivision, including a college district, may not lease, lend, bail, deconstruct, encumber, sell, trade, or otherwise dispose of property acquired under Government Code 2175.184 or acquired from a state agency under Government Code 2175.241 before the second anniversary of the date the property was acquired. A political subdivision that violates this section shall remit to the Texas Facilities Commission the amount the political subdivision received from the lease, loan, bailment, deconstruction, encumbrance, sale, trade, or other disposition of the property unless the commission authorizes the action taken by the political subdivision with respect to the property. Gov't Code 2175.184\(b\)](#)

Sale or Transfer of Law Enforcement Vehicle

A political subdivision, including a college district, may not sell or transfer a marked patrol car or other law enforcement motor vehicle to the public unless the political subdivision first removes any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle, including any police light, siren, amber warning light, spotlight, grill light, antenna, emblem, outline of an emblem, or emergency vehicle equipment.

A political subdivision may not sell or transfer a marked patrol car or other political subdivision law enforcement motor vehicle to a security services contractor who is regulated by [DPS](#) [the Department of Public Safety](#) and licensed under Occupations Code Chapter 1702 unless each emblem or insignia that identifies the vehicle as a law enforcement motor vehicle is removed before the sale or transfer.

Local Gov't Code 272.006

**Disposal of
Abandoned Personal
Property**

The governing board of each state institution of higher education, including each public junior college, is authorized to promulgate rules and regulations providing for the disposition of abandoned and unclaimed personal property coming into the possession of the campus security personnel where the personal property is not being held as evidence to be used in any pending criminal case. *Education Code 51.213(a)*

Options

A political subdivision, including a college district, shall extend workers' compensation benefits to its employees by:

1. Becoming a self-insurer;
2. Providing insurance under a workers' compensation insurance policy; or
3. Entering into an interlocal agreement with other political subdivisions providing for self-insurance.

Labor Code 504.011

Employee

In Labor Code Chapter 504, unless a different meaning is plainly required by the context, "employee" means a person in the service of a political subdivision, including a college district, who has been employed as provided by law, or a person for whom optional coverage is provided under Labor Code 504.012 or 504.013. A person is not an employee and is not entitled to compensation under Chapter 504 if the person:

1. Is in the service of a political subdivision and is paid on a piecework basis other than by the hour, day, week, month, or year; or
2. Performs services that may benefit a political subdivision, or is employed by or under contract with a performer providing those services, but does not receive payment from the political subdivision for the performance of the services, if the services are performed in connection with the operation or production of a musical, vocal, or theatrical performance, or another entertainment event.

Labor Code 504.001(2), .014

Notice to TDI

A political subdivision, including a college district, shall notify the Texas Department of Insurance (TDI) of the method by which its employees will receive benefits, the approximate number of employees covered, and the estimated amount of payroll. *Labor Code 504.018(a)*

Notice to Employees

A political subdivision shall notify its employees of the method by which the employees will receive benefits and the effective date of the coverage.

Employers shall post notices in the workplace to inform employees about workers' compensation issues as required by 28 Administrative Code 110.101. These notices shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis. The notices shall be printed with a title in at least 26-point bold

type, subject in at least 18-point bold type, and text in at least 16-point normal type, and shall include English, Spanish, and any other language common to the employer's employee population. The text for the notices shall be the text provided by TDI on the sample notice without any additional words or changes.

Labor Code 504.018(b); 28 TAC 110.101(e)

Report to Carrier

First Report of
Injury

The employer, including a college district, shall report to the employer's insurance carrier each death, each occupational disease of which the employer has received notice of injury or has knowledge, and each injury that results in more than one day's absence from work for the injured employee. The term "knowledge" includes receipt of written or oral information regarding diagnosis of an occupational disease, or diagnosis of an occupational disease through direct examination or testing by a doctor employed by the employer.

TDI shall prescribe the form, format, and manner of the employer's first report of injury (report). The report shall contain the information required by 28 Administrative Code 120.1(a) (relating to Employer's Record of Injuries), any additional information prescribed by TDI in accordance with the Labor Code 402.00128(b)(10), and the information necessary for an insurance carrier to electronically transmit a first report of injury to TDI. The report shall be filed with the insurance carrier not later than the eighth day after having received notice of or having knowledge of an occupational disease or death, or not later than the eighth day after the employee's absence from work for more than one day due to a work-related injury. A report is filed when personally delivered, mailed, reported via tele-claims, electronically submitted, or sent via facsimile.

The employer shall maintain a record of the date the report of injury is filed with the insurance carrier.

Labor Code 409.005-.006; 28 TAC 120.2(a)-(c), (f)

Copy to Employee

The employer shall provide a written copy of the report and a written copy of the Notice of Injured Employee Rights and Responsibilities in the Texas Workers' Compensation System (Notice of Rights and Responsibilities) adopted by the Public Counsel of the Office of Injured Employee Counsel to the injured employee by personal delivery, mail, electronic submission or facsimile at the time that the report is made with the insurance carrier. The Notice of Rights and Responsibilities shall be in English and Spanish, or in English and any other language common to the employee. The written report may be the report specified in 28 Administrative Code 120.2(b), or at a minimum shall contain the information listed in 28 Administrative Code 120.1(a).

The employer shall maintain a record of the date the copy of the report of injury and the date the Notice of Rights and Responsibilities were provided to the employee.

Labor Code 409.005(c), (g); 28 TAC 120.2(d), (f)

Notice of Modified
Duty Program

The employer shall, on the written request of the employee, a doctor, the insurance carrier, or TDI, notify the employee, the employee's treating doctor if known to the employer, and the insurance carrier of the existence or absence of opportunities for modified duty or a modified duty return-to-work program available through the employer. If those opportunities or that program exists, the employer shall identify the employer's contact person and provide other information to assist the doctor, the employee, and the insurance carrier to assess modified duty or return-to-work options.
Labor Code 409.005(j)

Supplemental
Report of Injury

As provided in 28 Administrative Code 129.4 relating to adjustment of temporary income benefit amount, the employer shall file the supplemental report of injury, in the form, format and manner prescribed by TDI. The report shall be filed with the employer's carrier and provided to the employee within ten days after:

1. The end of each pay period in which the employee has a change in earnings, including reporting all post-injury earnings as that term is used in 28 Administrative Code Chapter 129 [see Offsetting Paid Leave Against Workers' Compensation Income Benefits, below], as a result of the injury; or
2. The employee resigns or is terminated.

The employer's duty to file supplemental reports continues until the employee reaches maximum medical improvement (MMI) or is no longer employed by the employer and the employer has made the required report. The employer may contact the insurance carrier for information regarding the employee's MMI status.

For injuries requiring a First Report of Injury, above, unless the information required in this subsection is provided on the first report, the employer shall file the supplemental report with the employer's carrier and provide a copy to the employee within three days after:

1. The employee begins to lose time from work as a result of the injury;
2. The employee returns to work; or
3. The employee, after returning to work, experiences an additional day(s) of disability as a result of the injury.

The employer shall file the supplemental report of injury with the carrier by personal delivery, telephone, facsimile or electronic

transmission. The employer shall provide a copy of the report to the employee by facsimile or electronic transmission if the employee has identified a personal facsimile number or a personal email address to be used and the employer has the means of sending such a transmission. Otherwise the report shall be provided by personal delivery or sent by mail.

The employer shall maintain a record of the date the supplemental report is filed with the carrier and provided to the employee.

Labor Code 409.005(i); 28 TAC 120.3

**Injury and
Occupational
Disease Report**

An employer that has workers' compensation insurance coverage (subscriber) shall file a report of injury with TDI pursuant to Labor Code 411.032. A subscribing employer's report of injury filed in accordance with Labor Code 409.005 and applicable TDI rules satisfies that employer's requirement to file an injury and occupational disease report under Labor Code 411.032, unless TDI requests that the employer file a report with TDI for a specific injury. *28 TAC 160.3(a)*

Wage Reports

The employer is required to timely file a complete wage statement in the form and manner prescribed by TDI. The term "filed" means "received."

The wage statement shall be filed with the carrier, the claimant, and the claimant's representative, if any, within 30 days of the earliest of:

1. The date the employer is notified that the employee is entitled to income benefits; or
2. The date of the employee's death as a result of a compensable injury.

A subsequent wage statement shall be filed with the carrier, the claimant, and the claimant's representative, if any, within seven days of a change in any wage information provided on the previous wage statement, such as because the employer has discontinued providing a nonpecuniary wage that was originally continued after the injury. A wage statement shall be filed with TDI within seven days of receiving a request from TDI.

28 TAC 120.4(a)

Record of Injuries

An employer shall keep a record of all injuries and fatal injuries to employees as reported to an employer, or otherwise made known to an employer. The record shall include:

1. The name, address, date of birth, sex, wage, length of service, social security number, and occupation of the employee;

2. The reported cause and nature of the injury, the part of the body affected, and a description of any equipment involved;
3. The date, time, and location where the injury occurred;
4. The name of the employee's immediate supervisor;
5. The names of any witnesses (if known);
6. The name and address of the treating health-care provider, if known; and
7. Any voluntary benefits paid by the employer under the Texas Workers' Compensation Act.

These records shall be open to inspection by TDI, upon at least five working days' notice to the employer, at a reasonable time and place. The employer shall retain a record of an injury until the expiration of five years from the last day of the year in which the injury occurred.

28 TAC 120.1(a)–(c)

**Ombudsman
Program**

The Office of Injured Employee Counsel (OIEC) shall maintain an ombudsman program as provided by Labor Code Chapter 404, Subchapter D, to assist injured employees and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act.

All employers participating in the workers' compensation system shall post notice of the OIEC's Ombudsman Program. This notice shall be posted in the workplace where each employee is likely to see the notice on a regular basis. This notice of the Ombudsman Program shall be publicly posted in English, Spanish, and any other language that is common to the employer's employees. The text of the notice shall be as described by 28 Administrative Code 276.5(c), [Notice to Employees Concerning Assistance Available in the Workers' Compensation System from the Office of Injured Employee Counsel](#)¹, without any additional words or changes.

Labor Code 404.151(a), .153(a); 28 TAC 276.5(a)–(c)

**First Responder
Liaison**

An employer that employs first responders or supervises volunteer first responders shall notify the first responders of the first responder liaison. The notice shall be posted in the personnel office and in the workplace where employees or volunteers are likely to read the notice on a regular basis. The notice shall be printed in English and Spanish or in English and any other language common to the employer's affected employee population. The text of the notice shall be that contained in 28 Administrative Code 276.5(d)(3), [Office of Injured Employee Counsel Notice Regarding](#)

[First Responder Liaison to Assist in Workers' Compensation Disputes²](#), without any additional words or changes.

"First responder" means:

1. An individual employed by a political subdivision of this state who is:
 - a. A peace officer under Code of Criminal Procedure Article 2.12;
 - b. A person licensed under Health and Safety Code Chapter 773, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or
 - c. A firefighter subject to certification by the Texas Commission on Fire Protection under Government Code Chapter 419, whose principal duties are firefighting and aircraft crash and rescue; or
2. An individual covered under Labor Code 504.012(a) who is providing volunteer services to a political subdivision of this state as:
 - a. A volunteer firefighter, without regard to whether the volunteer firefighter is certified under Government Code Chapter 419, Subchapter D; or
 - b. An emergency medical services volunteer, as defined by Health and Safety Code 773.003.

Labor Code 404.153(a-1), 504.055(a); 28 TAC 276.5(d)

Reports of Safety Violations

TDI shall maintain a 24-hour toll-free telephone service in English and Spanish for reports of violations of occupational health or safety law. Each employer, including each college district, shall notify its employees of this service.

These notices shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis. The notices shall be printed with a title in at least 26-point bold type, subject in at least 18-point bold type, and text in at least 16-point normal type, and shall include English, Spanish, and any other language common to the employer's employee population. The text for the notices shall be the text provided by TDI on the sample notice without any additional words or changes.

An employer may not suspend or terminate the employment of or otherwise discriminate against an employee for using the telephone service to report in good faith an alleged violation of an occupational health or safety law.

Labor Code 411.081-.082; 28 TAC 110.101(e)

**Relation to Paid
Leave**

Once temporary income benefits (TIBs) accrue, an injured employee is entitled to TIBs to compensate the employee for lost wages due to the compensable injury during a period in which the employee has a disability and has not reached maximum medical improvement.

“Lost wages” are the difference between the employee’s gross average weekly wage (AWW) and the employee’s gross post-injury earnings (PIE). If the employee’s PIE equals or exceeds the employee’s AWW, the employee has no lost wages.

PIE shall include, but not be limited to, the documented weekly amount of:

1. The value of any full days of accrued sick leave or accrued annual leave that the employee voluntarily elects to use after the date of injury; and
2. The value of any partial days of accrued sick leave or accrued annual leave that the employee has voluntarily elected to use after the date of injury that, when combined with the employee’s TIBs, exceeds AWW.

28 TAC 129.2

Offsetting Paid
Leave Against
Workers’
Compensation
Income Benefits

The governing body of a political subdivision, including a college district board of trustees, by majority vote, may provide that while an employee of the political subdivision is receiving workers’ compensation benefits, the employee may elect to receive previously accrued sick leave benefits, whether statutory or contractual, in an amount equal to the difference between the workers’ compensation benefits and the weekly compensation that the employee was receiving before the injury that resulted in the claim. Sick leave benefits that are received shall be deducted proportionately from the employee’s sick leave balance. *Labor Code 504.052*

Unless the governing body adopts the option provided by Labor Code 504.052, sick leave benefits and annual leave benefits shall not be offset against benefits paid under the Workers’ Compensation Law. [See DEC] *Atty. Gen. Op. JC-0040 (1999)*

**Prohibited
Discrimination**

A person may not discharge or in any other manner discriminate against an employee because the employee has:

1. Filed a workers' compensation claim in good faith.
2. Hired a lawyer to represent the employee in a claim.
3. Instituted or caused to be instituted in good faith a proceeding under the Texas Workers' Compensation Act.
4. Testified or is about to testify in a proceeding under the Texas Workers' Compensation Act.

Labor Code 451.001

A person who violates the discrimination prohibition is liable for reasonable damages incurred by the employee as a result of the violation. An employee discharged in violation of the discrimination prohibition is entitled to reinstatement in the former position of employment. *Labor Code 451.002(a)–(b)*

A first responder who alleges a violation of Labor Code 451.001 by a state or local governmental entity, including a college district that employs the first responder, may sue the governmental entity for the relief provided by Labor Code Chapter 451. Sovereign or governmental immunity from suit is waived and abolished to the extent of liability created by Chapter 451. To the extent a person has official or individual immunity from a claim for damages, this section does not affect that immunity.

"First responder" means a public safety employee or volunteer whose duties include responding rapidly to an emergency. The term includes:

1. A peace officer whose duties include responding rapidly to an emergency;
2. Fire protection personnel under Government Code 419.021;
3. A volunteer firefighter who is certified by the Texas Commission on Fire Protection or by the State Firemen's and Fire Marshalls' Association of Texas or a member of an organized volunteer fire-fighting unit as described by Government Code 615.003;
4. An individual certified as emergency medical services personnel by the Department of State Health Services;
5. An emergency response operator or emergency services dispatcher who provides communication support services for an agency by responding to requests for assistance in emergencies; and

6. Other emergency response personnel employed by an agency.

Labor Code 451.0025; Gov't Code 421.095(1)

Leaves of Absence

The employer shall not terminate an employee who is on an unpaid leave of absence and receiving workers' compensation benefits, except when the termination is for a legitimate reason independent from the employee's workers' compensation claim. [See DEC] *Atty. Gen. Op. JM-227 (1984)*

¹ [Office of Injured Employee Counsel Notice Regarding First Responder Liaison to Assist in Workers' Compensation Disputes: https://texreg.sos.state.tx.us/fids/201801348-2.pdf](https://texreg.sos.state.tx.us/fids/201801348-2.pdf)

² [Office of Injured Employee Counsel Notice Regarding First Responder Liaison to Assist in Workers' Compensation Disputes: https://texreg.sos.state.tx.us/fids/201801348-2.pdf](https://texreg.sos.state.tx.us/fids/201801348-2.pdf)

A governmental entity, including a college district, must be neutral toward religion. It must not advance, coerce, or endorse a particular religion or religion over non-religion. *U.S. Constitution, Amend. I*; *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819 (1995); *Lynch v. Donnelly*, 465 U.S. 668 (1984); ~~*Lemon v. Kurtzman*, 403 U.S. 602 (1971)~~

**Selective Service
Status**

An individual may not receive a loan, grant, scholarship, or other financial assistance funded by state revenue, including federal funds or gifts and grants accepted by this state, ~~or receive a student loan guaranteed by this state or the Texas Guaranteed Student Loan Corporation,~~ unless the individual files ~~a~~ the Selective Service Statement of the individual's selective service Registration Status with the institution ~~or other entity~~ granting or ~~guaranteeing~~ certifying the financial assistance ~~as~~. The language to be used in the Selective Service Statement of Registration Status is disseminated by Coordinating Board staff to institutions of higher education on an annual basis. Institutions may accept documentation from the Selective Service System of an individual's registration with the Selective Service in lieu of the required ~~by this section~~ statement.

This section does not apply to:

1. A female individual if females are not subject to general selective service registration under federal law; or
2. An individual older than the maximum age at which an individual is required to be registered with the selective service system under federal law.

~~The statement of an individual's selective service status required by this section must require the~~ An individual ~~to certify that the individual:~~

- ~~1. Has registered~~ who has demonstrated registration with the Selective Service ~~system as required by federal law;~~ through the Selective Service Statement of Registration Status or
- ~~2. Is exempt from selective service registration under federal law.~~

~~If an individual files a statement indicating that the individual is registered with the selective service system as required by federal law, the individual~~ acceptable Selective Service System documentation is not required to file a statement of the individual's Selective Service Status the next time the individual makes an application ~~to the same entity~~ for financial assistance ~~or a student loan guarantee.~~ If to the same institution of higher education. An individual ~~files a statement indicating that the individual is~~ who has not ~~required to register~~ previously demonstrated registration with the Selective Service ~~system, the institution or other entity shall require the individual to~~ through the Selective Service Statement of Registration Status or acceptable Selective Service System documentation is required to file a ~~new~~ statement of the individual's selective service status the next time the individual makes an application to the entity for financial assistance or a student loan guarantee.

**Eligibility for
Scholarship**

Education Code 51.9095(a)–(d); 19 TAC 22.3

A person is not eligible to receive a scholarship originating from and administered by an institution of higher education, including a college district, or university system if the person is related to a current member of the governing board of the institution or system, unless:

1. The scholarship is granted by a private organization or third party not affiliated with the institution of higher education or university system;
2. The scholarship is awarded exclusively on the basis of prior academic merit;
3. The scholarship is an athletic scholarship; or
4. The relationship is not within the third degree by consanguinity or the second degree by affinity, as determined under Government Code Chapter 573, Subchapter B [see DBE].

Education Code 51.969(b); 19 TAC 21.471

Statement Required

Before receiving a scholarship originating from and administered by an institution of higher education or university system, a person must file a written statement with the institution or system indicating whether the person is related within the third degree by consanguinity or the second degree by affinity to a current member of the governing board of the institution or system. The required wording of the statement will be developed by the Coordinating Board and will be made available to institutions via the Coordinating Board's website.

A person commits a Class B misdemeanor if the person knowingly files a false statement.

Education Code 51.969(c), (e)–(f); 19 TAC 21.472–.473

**Timely Distribution
of Funds**

All institutions participating in the financial aid programs outlined in 19 Administrative Code Chapter 22 shall follow the guidelines for the timely distribution of funds.

Institutions shall disburse state student financial aid funding, excepting work study, to a student recipient's account no later than three business days after receiving the funds. Undisbursed funds must be returned to the Coordinating Board no later than six business days after the receipt of funds. Gift aid funds for which a student is no longer eligible may be disbursed to a different eligible student for whom funds have not yet been requested in order to meet the timely disbursement requirement.

19 TAC 22.2

Return Upon
Student Ineligibility

For state student financial aid funding already disbursed to a student, except work study, institutions shall return funds to the Coordinating Board within 45 calendar days of a student becoming ineligible for the funding. Gift aid funds for which a student has been determined ineligible may be disbursed to a different eligible student for whom funds have not yet been requested in order to meet the timely determination of ineligibility requirement. In all cases, an institution must provide notification to the Coordinating Board regarding the change in student eligibility, as appropriate for the particular student financial aid program. *19 TAC 22.2(2)*

Return Upon
Cancellation of Aid

For state student financial aid funds already disbursed to a student, institutions may return funds to the Coordinating Board within 120 calendar days of disbursement in situations where a student has notified the institution of his or her decision to cancel the financial aid. Gift aid funds for which a student has made the decision to cancel may be disbursed to a different eligible student for whom funds have not yet been requested in order to meet the timely cancellation requirement. In all cases, an institution must provide notification to the Coordinating Board regarding the student's decision to cancel financial aid, as appropriate for the particular student financial aid program. *19 TAC 22.2(3)*

**Employee Trained in
Certain Student
Financial Assistance
Programs**

Each institution of higher education, including each college district, shall ensure that one or more persons employed by the institution is trained:

1. In understanding state and federal student financial assistance programs available to military veterans or their family members, especially programs specifically applicable to military veterans or their family members; and
2. In assisting military veterans and eligible family members in understanding and obtaining the benefits available under those programs.

The employee must be available to assist military veterans and eligible family members during regular business hours at the financial aid or other office to which the person is assigned.

Education Code 56.006

**Financial Assistance
Information**

Information on financial assistance that the institution must publish and make readily available to current and prospective students under 34 C.F.R. Part 668, Subpart D, includes, but is not limited to, a description of all the federal, state, local, private, and institutional student financial assistance programs available to students who enroll at that institution. These programs include both need-based

and non-need-based programs. The institution may describe its own financial assistance programs by listing them in general categories. The institution must describe the terms and conditions of the loans students receive under the Federal Family Education Loan Program, the William D. Ford Federal Direct Student Loan Program, and the Federal Perkins Loan Program.

For each program referred to above in this section, the information provided by the institution must describe:

1. The procedures and forms by which students apply for assistance;
2. The student eligibility requirements;
3. The criteria for selecting recipients from the group of eligible applicants; and
4. The criteria for determining the amount of a student's award.

The institution must describe the rights and responsibilities of students receiving financial assistance and, specifically, assistance under the Title IV, Higher Education Act (HEA) programs. This description must include specific information regarding:

1. Criteria for continued student eligibility under each program;
2. Standards which the student must maintain in order to be considered to be making satisfactory progress in his or her course of study for the purpose of receiving financial assistance; and criteria by which the student who has failed to maintain satisfactory progress may re-establish his or her eligibility for financial assistance;
3. The method by which financial assistance disbursements will be made to the students and the frequency of those disbursements;
4. The terms of any loan received by a student as part of the student's financial assistance package, a sample loan repayment schedule for sample loans, and the necessity for repaying loans;
5. The general conditions and terms applicable to any employment provided to a student as part of the student's financial assistance package; and
6. The exit counseling information the institution provides and collects as required by 34 C.F.R. 674.42 for borrowers under the Federal Perkins Loan Program, by 34 C.F.R. 685.304 for borrowers under the William D. Ford Federal Direct Student

Loan Program, and by 34 C.F.R. 682.604 for borrowers under the Federal Stafford Loan Program.

34 C.F.R. 668.42

Net Price Calculator

Each institution of higher education, including each college district, that receives federal funds under 20 U.S.C. Chapter 28, Subchapter IV_a and 42 U.S.C. Chapter 34, Subchapter I, Part C_a shall make publicly available on the institution's website a net price calculator to help current and prospective students, families, and other consumers estimate a student's individual net price at such institution of higher education. Such calculator may be a net price calculator developed by the U.S. Department of Education; or by the institution of higher education, if the institution's calculator includes, at a minimum, the same data elements included in the calculator developed under 20 U.S.C. 1015a(h)(1).

Estimates of an individual net price determined using the net price calculator shall be accompanied by a clear and conspicuous notice:

1. Stating that the estimate does not represent a final determination or actual award of financial assistance; shall not be binding on the U.S. Secretary of Education, the institution of higher education, or the state; and may change;
2. Stating that the student must complete the Free Application for Federal Student Aid (FAFSA) in order to be eligible for, and receive, an actual financial aid award that includes federal grant, loan, or work-study assistance under 20 U.S.C. Chapter 28, Subchapter IV_a and 42 U.S.C. Chapter 34, Subchapter I, Part C; and
3. Including a link to the website of the U.S. Department of Education that allows students to access the FAFSA.

20 U.S.C. 1015a(h)(3)–(4)

**Loan Debt
Disclosure**

At least annually, and in an electronic format, participating higher educational institutions that enroll one or more students receiving state financial aid administered by the Coordinating Board and that receive education loan information for a student enrolled at the institution, must provide to that student certain estimates regarding the student's education loan obligations.

A participating higher educational institution is not required to provide in any disclosure or report required under this section information regarding loans issued by a private entity.

Education Code 52.335(a), (b-1); 19 TAC 21.46(a)

Disclosure
Procedure

At least annually, a participating higher educational institution shall provide a student loan debt disclosure, as more fully defined in 19 Administrative Code 21.49 to every student who has a balance on one or more student loans, and whose debt records are received by the participating higher educational institution where he or she is enrolled. If the participating higher educational institution has a record of unpaid student loan debt, a disclosure must be provided to that student.

Student loan debt disclosures must be sent electronically in a manner that complies with the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 C.F.R. Part 99) and the participating higher educational institution's privacy standards.

Education Code 52.335(b); 19 TAC 21.48, .49(e)

Contents of
Disclosures

Student loan debt disclosures are required to include education loan debt information that the participating higher educational institution receives or otherwise obtains from the U.S. Department of Education's central database for student aid, currently known as the National Student Loan Data System, which is shared with institutions through the Institutional Student Information Record (ISIR), as well as information that the institution may reasonably collect from its own records.

Student loan debt disclosures must include an estimate of the unpaid amount of federal education loans obtained by the student and state education loans obtained by the student at the current institution. The types of education loans must be identified for each total included.

Student loan debt disclosures must include an estimate of the total payoff amount for education loans, or a range for that amount, including principal and interest. At a minimum, institutions shall provide this information based on a ten-year repayment plan.

Student loan debt disclosures must include an estimate of the monthly repayment amount that the student may incur for the repayment of the education loans, including principal and interest. At a minimum, institutions shall provide this information based on a ten-year repayment plan.

The electronic communication of the student loan debt must explain the following:

1. The disclosure may not be a complete and official record of the student's unpaid education loan debt;
2. Why the disclosure may not be complete or accurate, including an explanation that for a transfer student, the institution's

estimates regarding state loans reflect only state loans incurred by the student for attendance at the current institution, and not prior institutions; and

3. That the institution's estimates are general in nature and are not intended as a guarantee or promise.

Education Code 52.335(b)–(d); 19 TAC 21.49(a)–(d), (f)

**Disclosures
Regarding Lenders**

An institution of higher education, including each college district, that receives federal funding, or an institution-affiliated organization of such covered institution, that participates in a preferred lender arrangement shall disclose the information described in 20 U.S.C. 1019a.

An institution of higher education that receives federal funding, or an institution-affiliated organization of such covered institution, that provides information regarding a private education loan from a lender to a prospective borrower shall provide the information described in 20 U.S.C. 1019a.

20 U.S.C. 1019(2), 1019a(a)

**Students with
Disabilities**

In providing financial assistance to qualified disabled persons, a recipient of federal financial assistance may not:

1. On the basis of disability, provide less assistance than is provided to nondisabled persons, limit eligibility for assistance, or otherwise discriminate; or
2. Assist any entity or person that provides assistance to any of the recipient's students in a manner that discriminates against qualified disabled persons on the basis of disability.

34 C.F.R. 104.46(a)(1)

A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of disability only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of disability. *34 C.F.R. 104.46(a)(2)*

**Discrimination on
the Basis of Sex**

Except as provided in 34 C.F.R. 106.37(b) and (c), in providing financial assistance to any of its students, a recipient shall not:

1. On the basis of sex, provide different amounts or types of such assistance, limit eligibility for such assistance that is of any particular type or source, apply different criteria, or otherwise discriminate;

2. Through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person that provides assistance to any of such recipient's students in a manner that discriminates on the basis of sex; or
3. Apply any rule or assist in application of any rule concerning eligibility for such assistance that treats persons of one sex differently from persons of the other sex with regard to marital or parental status.

34 C.F.R. 106.37(a)

Records Retention

All institutions participating in the financial aid programs described in 19 Administrative Code Chapter 22 shall follow the records retention guidelines outlined below.

An institution shall maintain its records and accounts of all transactions related to state and federal student financial aid in keeping with the institution's records retention schedule to ensure a full accounting for all funds received, disbursed, and expended by the institution.

Records and accounts shall be available for inspecting, monitoring, programmatic or financial auditing, or evaluation by the Coordinating Board, and by others authorized by law or regulation, for a period, whichever is later:

1. Not less than seven years after the date of the completion of the award period;
2. The date of the receipt of the institution's final claim for payment of final expenditure report; or
3. Until a resolution of all billing questions in connection with the account has been resolved.

Records and accounts shall include, but are not limited to, general institutional and program specific recordkeeping requirements in accordance with Federal Student Aid Title IV regulations, 34 C.F.R. 668.24.

If an audit is announced, an institution shall retain its records until the audit has been completed or not less than seven years after the expiration date of the Memorandum of Understanding for State Financial Aid Programs (MOU), whichever is later.

An institution shall make available to the auditing entity all documents and other information related to state financial aid programs.

An institution and any subcontractors shall provide any information the auditing entity deems relevant to any monitoring, investigation, evaluation, or audit.

19 TAC 22.4

Note: Federal financial aid rules are found at 34 C.F.R. part 668. For technical guidance regarding the provision of federal financial aid, visit the U.S. Department of Education ~~Information for Financial Aid Professionals¹ web-site.~~ [Federal Student Aid \(FSA\) Partner Connect² web-site.](#) State financial aid and scholarship programs, tuition set-asides, and other requirements are detailed in Education Code Chapters 52 and 56 and 19 Administrative Code Chapters 21 and 22.

¹ ~~Information for Financial Aid Professionals: <https://ifap.ed.gov>~~

² [Federal Student Aid \(FSA\) Partner Connect: https://fsapartners.ed.gov](https://fsapartners.ed.gov)

Federal Work-Study Program

The purpose of the federal work-study program (FWS) is to stimulate and promote the part-time employment of students who are enrolled as undergraduate, graduate, or professional students and who are in need of earnings from employment to pursue courses of study at eligible institutions, and to encourage students receiving federal student financial assistance to participate in community service activities that will benefit the nation and engender in the students a sense of social responsibility and commitment to the community. The program shall be administered by the U.S. Department of Education and participating institutions of higher education in accordance with 20 U.S.C. Chapter 28, Subchapter IV, Part C, and 34 C.F.R. 675.1-.28. *20 U.S.C. 1087-51, -53(a); 34 C.F.R. 675.1-.28*

Eligible Student

A student at an institution of higher education is eligible to receive part-time employment under the FWS program for an award year if the student:

1. Meets the relevant eligibility requirements contained in 34 C.F.R. 668.32;
2. Is enrolled or accepted for enrollment as an undergraduate, graduate, or professional student at the institution; and
3. Has financial need as determined in accordance with Part F of Title IV of the Higher Education Act (HEA).

34 C.F.R. 675.9

Eligible Employer

A student may be employed under the FWS program by the institution in which the student is enrolled; a federal, state, or local public agency; a private nonprofit organization; or a private for-profit organization.

Regardless of the student's employer, the student's work must be governed by employment conditions, including pay, that are appropriate and reasonable in terms of type of work; geographical region; employee proficiency; and any applicable federal, state, or local law.

FWS employment may not:

1. Impair existing service contracts;
2. Displace employees;
3. Fill jobs that are vacant because the employer's regular employees are on strike;
4. Involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for instruction

that is predominantly devotional and religious or as a place for religious worship, except to the extent that excluding such work would impose a substantial burden on a person's exercise of religion; or

5. Include employment for the U.S. Department of Education.

34 C.F.R. 675.20(a)–(c)

Academic Credit

A student may be employed under the FWS program and also receive academic credit for the work performed. Those jobs include, but are not limited to, work performed when the student is enrolled in an internship; enrolled in a practicum; or employed in a research, teaching, or other assistantship.

A student employed in an FWS job and receiving academic credit for that job may not be:

1. Paid less than the student would be if no academic credit were received;
2. Paid for receiving instruction in a classroom, laboratory, or other academic setting; and
3. Paid unless the employer would normally pay the person for the same position.

34 C.F.R. 675.20(d)

**Notice of
Employment
Opportunities**

To participate in the FWS program, an institution of higher education shall enter into a participation agreement with the U.S. Secretary of Education. The agreement provides that, among other things, the institution shall inform all eligible students of the opportunity to perform community services and consult with local non-profit, governmental, and community-based organizations to identify those opportunities. *34 C.F.R. 675.8*

**Texas College Work-
Study Program**

Any public, private, or independent institution of higher education, including a college district, is eligible to participate in the Texas College Work-Study Program in accordance with Education Code Chapter 36, Subchapter E and 19 Administrative Code Chapter 22, Subchapter G. *19 TAC 22.128(3), .129(a)(1)*

**Mentorship
Program**

In accordance with Education Code 56.079 and 19 Administrative Code Chapter 22, Subchapter G, the Coordinating Board shall administer a work-study student mentorship program under which students who are enrolled at participating eligible institutions and who meet the eligibility requirements for employment in the Texas College Work-Study Program may be employed by participating entities under the Texas College Work-Study Program to:

1. Mentor students at participating eligible institutions or high school students in participating school districts;
2. Counsel high school students at GO Centers or similar high school-based recruiting centers designed to improve student access to higher education; or
3. Support student interventions at participating eligible institutions that are focused on increasing completion of degrees or certificates, such as interventions occurring through advising or supplemental instruction.

A "participating entity" is an eligible institution, a school district, or a nonprofit organization that has filed a memorandum of understanding with the Coordinating Board under 19 Administrative Code Chapter 22, Subchapter G, to participate in the mentorship program.

Education Code 56.079; 19 TAC 22.128(6)

Institution
Requirements
Generally

To participate in the program, an institution must:

1. Provide part-time employment to an eligible student in non-partisan and nonsectarian activities;
2. Provide, insofar as is practicable, employment to an eligible student that is related to the student's academic interests;
3. Use program positions only to supplement and not supplant positions normally filled by persons not eligible to participate in the work-study program; and
4. Provide not less than 25 percent of an employed student's wages and 100 percent of other employee benefits for the employed student from sources other than federal college work-study program funds. Institutions eligible to receive Title III funds from the U.S. Department of Education are exempted from the program requirement to provide 25 percent of an employed student's wages, if they provide the Coordinating Board with a copy of a current Title III eligibility letter from the U.S. Department of Education.

Education Code 56.074(b); 19 TAC 22.129(c)

*Mentorship
Program*

To participate in the mentorship program:

1. An institution must file with the Coordinating Board a memorandum of understanding detailing the roles and responsibilities of each participating entity.
2. An institution must provide not less than ten percent of an employed mentor's wages and 100 percent of other employee

benefits for the employed student from sources other than federal college work-study program funds. Institutions eligible to receive Title III funds from the U.S. Department of Education are exempted from the mentorship program requirement to provide ten percent of an employed student's wages, if they provide the Coordinating Board with a copy of a current Title III eligibility letter from the U.S. Department of Education.

3. A participating entity, other than an institution of higher education, benefiting from the services of the mentor must provide funding in an amount at least equal to the amount of the institution's contribution. The participating entity's contribution may be satisfied through in-kind contributions, if acceptable by the institution. Participating entities benefiting from the service of mentors enrolled at institutions eligible to receive Title III funds from the U.S. Department of Education are exempted from the mentorship program requirement to provide matching funds, if the institution has provided the Coordinating Board with a copy of a current Title III eligibility letter from the U.S. Department of Education.

Additional criteria for participation and program requirements for the mentorship program shall be determined and set forth in commissioner's policies.

19 TAC 22.129(d)–(e)

Eligible Student

To be eligible for employment in the program, a person must:

1. Be a Texas resident as defined by Coordinating Board rules;
2. Be enrolled for at least the number of hours required of a half-time student, and be seeking a degree or certification in an eligible institution;
3. Establish financial need in accordance with Coordinating Board procedures;
4. Have a statement on file with the institution of higher education indicating the student is registered with the Selective Service System as required by federal law or is exempt from Selective Service registration under federal law; and
5. If participating in the Mentorship Program, receive appropriate training and supervision as determined by the commissioner or Coordinating Board staff.

A person is not eligible to participate in the program if the person concurrently receives an athletic scholarship.

Education Code 56.075; 19 TAC 22.130

- Eligible Off-Campus Employer
- An eligible institution may enter into agreements with off-campus employers that participate in the program. To be eligible to participate, an off-campus employer must:
1. Provide part-time employment to an eligible student in non-partisan and nonsectarian activities;
 2. Provide, insofar as is practicable, employment to an eligible student that is related to the student's academic interests;
 3. Use program positions only to supplement and not to supplant positions normally filled by persons not eligible to participate in the work-study program; and
 4. Unless eligible for a waiver of matching funds under 19 Administrative Code 22.131, provide not less than 25 percent of an employed student's wages and 100 percent of other employee benefits for the employed student from sources other than federal college work-study program funds, if the employer is a nonprofit entity; or
 5. Provide not less than 50 percent of an employed student's wages and 100 percent of other employee benefits for the employed student, if the employer is a profit-making entity.

Institutions eligible to receive Title III funds from the U.S. Department of Education are exempted from the program requirement to provide 25 percent of an employed student's wages, if they provide the Coordinating Board with a copy of a current Title III eligibility letter from the U.S. Department of Education.

For the mentorship program, an eligible institution must file, in conjunction with the participating school district(s) or nonprofit organization(s), a memorandum of understanding with the Coordinating Board.

Education Code 56.076; 19 TAC 22.131

- Approval
- Each approved institution must enter into an agreement with the Coordinating Board, the terms of which shall be prescribed by the commissioner. An institution must be approved by April 1 in order for qualified students enrolled in that institution to be eligible to receive grants in the following fiscal year. *19 TAC 22.129(b)*

- List of Work-Study Employment Opportunities
- Institutions participating in the program must establish and maintain an online list of work-study employment opportunities available on campus, sorted by department as appropriate, and ensure that the list is easily accessible to the public and prominently displayed on the institution's website. *Education Code 56.080; 19 TAC 22.129(f)*

Funds
Distribution
Texas College
Work-Study
Program Funds

At the beginning of each year or upon request by the institution, the year's full allocation of funds needed for immediate disbursement to students will be provided to each participating institution for use in reimbursing students for their work. Institutions will have until February 20 or the first workday thereafter if it falls on a holiday or a weekend to encumber all funds allocated to them.

Unless given specific permission by the Coordinating Board to use funds for summer awards, schools will be required to utilize their original state work-study allocation of funds for employment during the nine-month academic year (fall and spring terms). However, institutions may use reallocated funds for summer awards, but the funds must be expended by August 31 of the fiscal year.

19 TAC 22.2, .133(c)–(e)

Mentorship
Program Funds

The Coordinating Board shall allocate program funds to participating institutions according to criteria established by the commissioner. At the beginning of each academic year, the year's full allocation will be provided to each participating institution. Institutions shall have until a date specified by the commissioner to encumber all funds allocated.

Program funds may be used during any academic period for which mentorship opportunities are needed by participating entities as long as student mentors meet eligibility requirements.

19 TAC 22.134

Transfer

Institutions participating in the Texas Educational Opportunity Grant and Texas College Work-Study Programs, in accordance with instructions from the Coordinating Board, may transfer current fiscal year funds up to the lesser of ~~ten~~25 percent or \$~~20~~60,000 between these programs. This threshold applies to the program from which the funds are transferred. Requests for such transfers must ~~oc-~~cur be submitted by July 1 of the current fiscal year institution by the annual deadline published by the agency.

Institutions participating in both the Texas College Work-Study Program and the Work-Study Student Mentorship Program, in accordance with instructions from the Coordinating Board, may transfer current fiscal year funds up to 25 percent between the two programs. This threshold applies to the program from which the funds are transferred. Such transfers must occur by July 1 of the current fiscal year.

19 TAC 22.11(b)

**Discrimination on
the Basis of Sex**

A recipient of federal funding that assists any agency, organization, or person in making employment available to any of its students

shall assure itself that such employment is made available without discrimination on the basis of sex; and shall not render such services to any agency, organization, or person that discriminates on the basis of sex in its employment practices.

A recipient that employs any of its students shall not do so in a manner that violates 34 C.F.R. Part 106, Subpart E.

34 C.F.R. 106.38



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 10, 2023
Subject: 2023-2024 Property/Casualty Insurance Renewals

AGENDA ITEM DESCRIPTION:

Consideration of and possible approval of the 2023-2024 Property/Casualty Insurance Renewals.

PURPOSE

To provide sufficient property and liability insurance for all appropriate properties and areas of liability.

FUNDING SOURCE:

2022-2023 Budget

PROPOSED MOTION:

Suggested motion: "I move the Board of Trustees approve the 2023-2024 Property and Casualty Insurance Renewals as stated in the 2023-2024 Proposal Analysis for an amount not to exceed \$2,300,000.00 to be paid from FY22-23 operating budget."

BACKGROUND

In February of 2020, the Board approved a contract award to McGriff based on results of a Request for Proposal for property and liability insurance. Previously, the College's appointed Risk Manager coordinated with the College's insurance consultant, RWL Group, to obtain, prepare and submit a schedule of annual property and casualty insurance renewals for all appropriate properties and areas of liability. Based on that experience, the recommended coverage from McGriff is indicated on the attached proposal analyses for the 23-24 renewal period.

ATTACHMENTS

1. 2023-2024 Insurance Renewal Analysis

COLLEGE OF THE MAINLAND
RENEWAL ANALYSIS: INSURANCE PLAN YEAR 2023-2024
2/28/23 - 2/28/24

MCGRIFF

EXPIRING					RENEWING						
Insurer	Line	Limits	Deductibles	Premiums	Insurer	Line	Limits	Deductibles	Premiums		
Lloyds of London	Terrorism	\$100M	\$10K	16,163	TRIA	Terrorism	\$100M	\$10K	21,244		
AXA/XL	Boiler & Machinery	\$149,062,347	\$10K	8,273	AXA	Boiler & Machinery	\$100M	\$10K	10,231		
Travelers	Crime	\$500K	\$5K	6,647	Travelers	Crime	\$500K	\$5K	6,956		
Burlington	General Liability	\$1M	\$1K	7,904	Burlington	General Liability	\$1M	\$1K	7,161		
				McGriff Subtotal:	38,987					McGriff Subtotal:	45,592
Various Insurers	Property	Per SOV Schedule	\$10K AOP	1,542,918	Various Insurers	Property	Per SOV Schedule	\$50K AOP	1,951,418		
		\$149,062,347	\$25K EQ				\$100M	\$50K EQ			
		\$10M Flood	1% NS, Min \$100K				\$10M Flood	3% NS, Min \$250K			
		\$10M EQ	\$250K Flood Except				\$10M EQ	\$100K Flood Except			
		\$1M Tuition/Fees	No Coverage SFHA				\$1M Tuition/Fees	No Coverage SFHA			
				Property Subtotal:	1,542,918					Property Subtotal:	1,951,418
				McGriff Total:	1,581,905					McGriff Total:	1,997,010

	Intitial Payment 2/2022	1,581,905
5/27/2022	Industrial Careers Bldg	320,118
9/15/2022	ICB - GSU	11,047
	Plan Year 2022-2023	<u>1,913,070</u>

		1,997,010
	Add'l Premium Mid-March	195,000
	STEAM 4th Floor	
	ICB 3rd Floor	
	ICB 3rd Floor-Contents	
	Fine Arts Renovation	
	Fine Arts-Contents	
	Fine Arts-Computer	
	Plan Year 2023-2024	<u>2,192,010</u>
	Average Increase	12.73%

Monthly Financial Report

Cash Situation

(in millions)

Gross cash balance at the end of month:	\$39.1
Less pending I&S liability:	(\$14.3)
Net unrestricted cash:	<u>\$24.8</u>
Minimum required cash :	\$7.1
Excess cash above minimum:	\$17.7

Unaudited Operations

Year to Date *(in millions)*

Revenues

Budget:	\$38.0
Actual:	\$25.4

Expense

Budget:	\$38.0
Actual:	\$15.2

(40% Spent at 42% of year)



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 21, 2023
Subject: Monthly Financial & Investment Reports

AGENDA ITEM DESCRIPTION:

Consideration of and possible acceptance of the January 2023 Investment and Financial Reports.

PURPOSE

To report to the Board of Trustees the year-to-date revenues and expenses for the college, comparison of revenues and expenses to budget, and the college's current cash balance.

FUNDING SOURCE:

N/A

PROPOSED MOTION:

Suggested motion: "I move the Board of Trustees accept the January 2023 Investment Report and the January 2023 Financial Reports."

BACKGROUND

The investment officer shall prepare and submit to the Board a written report of investment transactions for all funds covered by the PFIA under Education Code 51.0032 and Government Code 2256.023.

In accordance with COM policy CDA (LOCAL) – Periodic financial reports shall be submitted to the Board outlining the progress of the budget to that date and reporting on the status of all District funds and District accounts.

ATTACHMENTS

1. January 2023 Investment Discussion & Report
2. January 2023 Revenue & Expense Summary
3. January 2023 Expense by Division Report



INVESTMENT REPORT
For the Month Ended January 2023

Investment discussion:

College of the Mainland earned \$130,270 for the month of January on its short-term investments in TexPool & Logic for a total of \$490,903 investment interest earned fiscal year to date. The College earned an additional \$2, fiscal year to date, from interest-bearing checking accounts. In total, the College earned \$490,905 interest for the fiscal year to date period ending December: TexPool - \$252,172 Logic 20 – \$238,731 and TFB - \$2.

Investments in the TexPool & Logic investment pools remain more profitable than fixed rate certificate of deposits purchased at our depository bank. In addition, the investment pool provides more efficient liquidity than certificates of deposit, which are restricted to specific term lengths. Therefore, all investment funds remain in TexPool, Logic and interest earning checking accounts.

Investment Compliance Statement:

We provide reasonable assurance that the attached listing constitutes all investments currently owned by the College of the Mainland District as of the date indicated and that all these investments and investing procedures conform to the “Public Funds Investment Act” as amended by House Bill 2459 of the 74th Texas Legislature.

Furthermore, these same investments are in compliance with College of the Mainland’s investment policy and strategy as adopted by the College of the Mainland’s Board of Trustees.

A handwritten signature in blue ink, appearing to read 'Clen Burton', written over a horizontal line.

Clen Burton
Vice President of Fiscal Affairs
College of the Mainland

A handwritten signature in blue ink, appearing to read 'Trudy Trochesset', written over a horizontal line.

Trudy Trochesset
Controller
College of the Mainland



TexPool Investments for January 2023

Investment	COM Fund	Balance Beginning of Month	Increases	Decreases	Interest Earned	Balance End of Month	Average Balance	Annualized Average Interest Rate
Operating	11	\$ 14,793,101	\$ 24,200,000	\$ -	86,125	39,079,226	24,744,266	4.177%
Moody	41	27,026	-	-	97	27,124	27,029	4.325%
Totals		\$ 14,820,127	\$ 24,200,000	\$ -	\$ 86,222	\$ 39,106,350	\$ 24,771,296	

Note: For the above listed investments in TexPool, book value is equivalent to market value.
There was no accrued interest as of December 2022

Logic (Hilltop Securities) Investments for January 2023

Investment	COM Fund	Balance Beginning of Month	Increases	Decreases	Interest Earned	Balance End of Month	Average Balance	Annualized Average Interest Rate
COM Bond 2020	46	\$ 12,155,253	\$ -	\$ 2,220,527	44,047	9,978,774	11,392,841	4.639%
Totals		\$ 12,155,253	\$ -	\$ 2,220,527	\$ 44,047	\$ 9,978,774	\$ 11,392,841	

Totals **\$ 26,975,381** **\$ 24,200,000** **\$ 2,220,527** **\$ 130,270** **\$ 49,085,124** **\$ 36,164,137**

Unrestricted Fund (Unaudited)

Summary of Revenue

	<u>Current Actual</u>	<u>2022-23 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Operating revenue						
Tuition-credit	(4,603,124)	(4,577,000)	26,124	101%	(4,352,214)	(250,909)
Tuition-non-credit	(235,859)	(1,176,000)	(940,141)	20%	(330,072)	94,212
Exemptions and waivers	1,185,660	1,248,000	62,340	95%	1,229,766	(44,106)
Registration fees	(2,101,927)	(2,016,000)	85,927	104%	(1,994,709)	(107,219)
Other fees	(108,194)	(154,000)	(45,806)	70%	(80,743)	(27,451)
Grant revenue	(80,612)	(152,000)	(71,388)	53%	(181,058)	100,447
Sales and service revenue	(18,603)	(995,000)	(976,397)	2%	(15,995)	(2,607)
Miscellaneous revenue	(145,856)	(269,000)	(123,144)	54%	(29,667)	(116,190)
TPEG transfer in/out	0	465,000	465,000	0%	0	0
<u>Totals for Operating revenue</u>	<u>(6,108,515)</u>	<u>(7,626,000)</u>	<u>(1,517,485)</u>	<u>80%</u>	<u>(5,754,692)</u>	<u>(353,822)</u>
Non-operating revenue						
State appropriation-Academic	(2,859,125)	(6,649,121)	(3,789,996)	43%	(2,859,125)	0
Property tax revenue	(16,217,868)	(23,751,572)	(7,533,704)	68%	(26,578,073)	10,360,205
Interest revenue	(251,785)	(450,000)	(198,215)	56%	(2,882)	(248,904)
FTZ reimbursement	0	(534,307)	(534,307)	0%	0	0
Renew & replace transfer out	0	1,011,000	1,011,000	0%	0	0
<u>Totals for Non-operating revenue</u>	<u>(19,328,778)</u>	<u>(30,374,000)</u>	<u>(11,045,222)</u>	<u>64%</u>	<u>(29,440,080)</u>	<u>10,111,302</u>
<u>Total Revenue</u>	<u>(25,437,293)</u>	<u>(38,000,000)</u>	<u>(12,562,707)</u>	<u>67%</u>	<u>(35,194,772)</u>	<u>9,757,480</u>

Unrestricted Fund (Unaudited)

Summary of Expense

	<u>Current Actual</u>	<u>2022-23 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Salary and wages						
Faculty full-time	3,201,350	7,519,717	4,318,367	43%	3,127,064	74,286
Admin full-time	752,830	1,613,876	861,046	47%	690,003	62,828
Professional full-time	3,274,531	7,698,881	4,424,350	43%	3,025,799	248,732
Classified full-time	1,333,887	4,073,981	2,740,094	33%	0	1,333,887
Part-time	1,175,072	3,775,366	2,600,294	31%	973,975	201,097
Salary increase	0	570,000	570,000	0%	0	0
Vacancy savings	0	(1,923,260)	(1,923,260)	0%	0	0
<u>Totals for Salary and wages</u>	<u>9,737,670</u>	<u>23,328,561</u>	<u>13,590,891</u>	<u>42%</u>	<u>7,816,840</u>	<u>1,920,830</u>
Benefits						
Benefits	1,914,458	4,278,725	2,364,268	45%	1,901,617	12,841
<u>Totals for Benefits</u>	<u>1,914,458</u>	<u>4,278,725</u>	<u>2,364,268</u>	<u>45%</u>	<u>1,901,617</u>	<u>12,841</u>
Operating expenses						
Contract services	1,598,713	3,250,024	1,651,312	49%	1,414,510	184,203
Legal	0	25,020	25,020	0%	1,100	(1,100)
Operations	151,032	760,590	609,558	20%	136,603	14,429
Utilities and Rent	862,361	2,488,643	1,626,282	35%	824,455	37,905
Postage, printing, and supplies	390,769	1,332,853	942,084	29%	329,524	61,245
Bank fees	27,931	90,100	62,169	31%	18,519	9,412
Capital outlay & leases	18,714	75,260	56,546	25%	29,806	(11,092)
Insurance	113,780	1,992,977	1,879,197	6%	61,965	51,815
Public rel, marketing and advert	56,802	258,501	201,698	22%	46,134	10,668
Misc.	281,900	418,279	136,379	67%	263,622	18,278
Reimbursement from Others	0	(303,442)	(303,442)	0%	0	0
Arbitrage Payment	0	0	0	0%	(35,806)	35,806

Unrestricted Fund (Unaudited)

<u>Totals for Operating expenses</u>	<u>3,502,001</u>	<u>10,388,805</u>	<u>6,886,804</u>	<u>34%</u>	<u>3,090,432</u>	<u>411,568</u>
<u>Total Expense</u>	<u>15,154,128</u>	<u>37,996,091</u>	<u>22,841,963</u>	<u>40%</u>	<u>12,808,889</u>	<u>2,345,239</u>

Unrestricted Fund (Unaudited)

Summary of Fund Bal

	<u>Current Actual</u>	<u>2022-23 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Salary and wages						
Faculty full-time	43,413	0	(43,413)	0%	0	43,413
<u>Totals for Salary and wages</u>	<u>43,413</u>	<u>0</u>	<u>(43,413)</u>	<u>0%</u>	<u>0</u>	<u>43,413</u>
Benefits						
Benefits	7,278	3,909	(3,369)	186%	0	7,278
<u>Totals for Benefits</u>	<u>7,278</u>	<u>3,909</u>	<u>(3,369)</u>	<u>186%</u>	<u>0</u>	<u>7,278</u>
Operating expenses						
Contract services	165,874	0	(165,874)	0%	147,353	18,521
Legal	4,377	0	(4,377)	0%	0	4,377
Operations	1,000	0	(1,000)	0%	7,827	(6,827)
Utilities and Rent	0	0	0	0%	398,804	(398,804)
Postage, printing, and supplies	262,718	0	(262,718)	0%	194,393	68,325
Capital outlay & leases	227,162	0	(227,162)	0%	106,041	121,122
Public rel, marketing and advert	29,658	0	(29,658)	0%	62,960	(33,302)
<u>Totals for Operating expenses</u>	<u>690,790</u>	<u>0</u>	<u>(690,790)</u>	<u>0%</u>	<u>917,379</u>	<u>(226,589)</u>
<u>Total Fund Bal</u>	<u>741,481</u>	<u>3,909</u>	<u>(737,572)</u>	<u>18970%</u>	<u>917,379</u>	<u>(175,899)</u>

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2022-23 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
<u>Expense by Division</u>						
<u>Summary for President</u>						
Board of Trustees	0	19,400	19,400	0%	716	(716)
Campus Police	281,730	723,766	442,036	39%	206,580	75,150
Gen Institution	202,071	315,484	113,413	64%	99,980	102,092
Information Technology Serv	1,252,932	2,286,256	1,033,324	55%	1,060,781	192,151
Internal Audit	23,656	150,000	126,344	16%	18,905	4,751
OPEAR	226,190	453,098	226,908	50%	184,391	41,799
Presidents Office	263,711	546,827	283,116	48%	247,210	16,501
Self Study SACS	88	10,000	9,912	1%	500	(412)
Staff Attorney	66,942	177,070	110,128	38%	72,474	(5,533)
Totals for President	<u>2,317,320</u>	<u>4,681,901</u>	<u>2,364,581</u>	<u>49%</u>	<u>1,891,538</u>	<u>425,783</u>
<u>Summary for VP Fiscal Affairs</u>						
Central Mail	50,545	177,987	127,442	28%	17,538	33,007
Custodial Services	108,442	315,115	206,673	34%	60,403	48,039
Facilities	1,251,647	4,599,533	3,347,886	27%	1,035,855	215,792
Financial Services	374,649	907,618	532,968	41%	228,376	146,273
Grounds	39,169	113,133	73,964	35%	31,532	7,636
Human Resources	294,976	681,561	386,586	43%	276,698	18,278
Purchasing	144,651	261,276	116,625	55%	121,014	23,637
Records Mgmt	13,728	20,952	7,224	66%	5,736	7,992
Reimbursement	0	(303,442)	(303,442)	0%	0	0
Salary Savings	0	(1,923,260)	(1,923,260)	0%	0	0
Staff Benefits	460,821	3,774,792	3,313,972	12%	341,269	119,551
Tax Admin	81,301	232,631	151,330	35%	93,165	(11,864)
Utilities	335,628	1,397,000	1,061,372	24%	368,485	(32,857)

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2022-23 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Vehicle Operations	55,113	105,293	50,179	52%	23,618	31,495
VP College & Fin Svcs	93,696	197,585	103,889	47%	82,737	10,959
<u>Totals for VP Fiscal Affairs</u>	<u>3,304,365</u>	<u>10,557,773</u>	<u>7,253,408</u>	<u>31%</u>	<u>2,686,426</u>	<u>617,939</u>
<u>Summary for VP Institutional Advancement</u>						
COM Foundation Dept	45,490	103,124	57,634	44%	21,778	23,712
Marketing and Communications	324,164	870,674	546,510	37%	284,838	39,326
VP Institutional Advancement	265,845	547,416	281,571	49%	260,348	5,497
<u>Totals for VP Institutional Advancement</u>	<u>635,498</u>	<u>1,521,213</u>	<u>885,715</u>	<u>42%</u>	<u>566,964</u>	<u>68,534</u>
<u>Summary for VP Instruction</u>						
Acad Succ Re/Wr	435,108	764,611	329,503	57%	378,719	56,389
Accting-Credit	42,699	73,068	30,369	58%	41,469	1,229
Adm-C.I.D.T.	24,562	72,109	47,547	34%	5,289	19,274
Adm-Cont Ed	194,697	484,246	289,549	40%	96,525	98,172
Adm-Ind Tech	3,541	8,166	4,625	43%	3,537	4
Adm-Instruct	23,477	75,343	51,866	31%	5,344	18,133
Adm-Perf & Vis Arts	28,096	68,825	40,729	41%	7,999	20,097
Adm-Pub Svc Ed	50,776	108,633	57,857	47%	11,549	39,227
Adm-Science	26,013	68,091	42,077	38%	7,862	18,151
Adm-Soc Sci	27,128	77,148	50,020	35%	8,659	18,469
Adult Education	90,785	204,568	113,783	44%	62,309	28,476
Allied Health CE	38,487	251,353	212,866	15%	35,681	2,806
Art	117,364	235,044	117,679	50%	109,126	8,239
Art Gallery	33	5,750	5,717	1%	25,129	(25,096)
Biol & Nutrition	343,093	643,195	300,102	53%	303,866	39,227
Bus Ed-NonCR	2,100	2,100	0	100%	0	2,100
C.I.S.	46,813	79,826	33,013	59%	43,878	2,936
Chemistry	79,787	161,392	81,605	49%	75,864	3,923

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2022-23 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Child Develop	35,957	65,775	29,818	55%	33,919	2,038
Cmnty Theater	149,107	376,598	227,492	40%	125,548	23,559
Collegiate H.S.-CR	69,179	146,911	77,732	47%	49,137	20,042
Cosmetology	296,507	599,593	303,085	49%	292,071	4,436
Criminal Justice	37,870	70,431	32,562	54%	35,994	1,876
Dean Cont Ed	64,982	139,192	74,210	47%	58,441	6,541
Dean Gen Ed	92,257	192,836	100,578	48%	57,845	34,412
Dental Hygiene	38,394	4,673	(33,720)	822%	0	38,394
Distance Ed	169,706	401,388	231,682	42%	223,311	(53,605)
Drafting	43,209	67,663	24,454	64%	34,866	8,343
Dual Credit Dept	58,551	141,093	82,542	41%	52,523	6,028
Economics	39,116	72,424	33,307	54%	40,060	(944)
EMS-Credit	122,377	216,613	94,236	56%	108,582	13,795
Engineering	8,855	901	(7,955)	983%	0	8,855
Fire Tech	142,139	211,757	69,618	67%	118,029	24,110
Firearms Acad	18,956	40,527	21,571	47%	9,094	9,863
Foreign Lang	32,282	64,539	32,257	50%	33,584	(1,302)
Gen Bus-Credit	119,484	162,032	42,548	74%	86,578	32,906
Geology	27,319	66,435	39,116	41%	33,882	(6,563)
Government	165,044	296,201	131,157	56%	164,561	483
Graphic Arts	58,014	88,019	30,005	66%	48,789	9,225
Health and PE Credit	69,897	131,504	61,607	53%	69,364	533
Health Info Mgmt	87,683	259,036	171,353	34%	68,984	18,699
Hist & Geog	145,014	248,927	103,913	58%	125,940	19,073
Humanities	86,793	205,621	118,828	42%	106,322	(19,529)
Instr Tech Department	95,104	235,343	140,239	40%	42,626	52,478
Instr Tech Lab Mgrs	5,106	130,636	125,530	4%	10,380	(5,274)
Law Enforcement	33,658	82,649	48,991	41%	37,664	(4,006)

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2022-23 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Law Enforcemnt-NonCR	36,525	18,984	(17,541)	192%	28,315	8,209
LC Ctr Admin	694	20,809	20,115	3%	1,577	(883)
Library	343,732	672,690	328,958	51%	267,360	76,372
Management	11,117	10,987	(129)	101%	8,726	2,390
Massage Therapy	7,401	15,068	7,667	49%	3,945	3,456
Math	370,092	688,474	318,382	54%	360,623	9,468
Medical Assistant	40,214	96,168	55,953	42%	33,970	6,244
Music	146,193	270,291	124,098	54%	132,394	13,799
Networking	49,596	77,315	27,718	64%	47,668	1,928
Nursing Administration	933,890	658,598	(275,291)	142%	44,478	889,412
Nursing-AD	90	1,130,913	1,130,823	0%	546,533	(546,443)
Nursing-VN	0	286,178	286,178	0%	148,322	(148,322)
Pharmacy Tech	43,293	88,784	45,491	49%	43,027	266
Philosophy	23,579	8,706	(14,873)	271%	17,305	6,274
Physics	52,275	92,556	40,282	56%	58,222	(5,948)
Process Tech	207,619	550,198	342,579	38%	204,059	3,560
Prof Develop Acad	366	9,000	8,634	4%	904	(538)
Psychology	181,710	319,493	137,783	57%	175,963	5,747
Radiography	0	1,800	1,800	0%	0	0
Safety-CR	46,674	75,862	29,188	62%	37,887	8,787
Senior Adult Dept	115,271	246,904	131,633	47%	76,777	38,494
Social Science Non CR	15,855	62,791	46,936	25%	17,220	(1,365)
Sociology	9,239	65,088	55,849	14%	32,716	(23,477)
Speaking,Reading,Writing	192,250	520,933	328,684	37%	171,100	21,150
Theater Arts-Credit	57,063	68,531	11,468	83%	50,763	6,300
Thermal Tech-NonCR	46,949	65,318	18,369	72%	39,860	7,089
VP Instruction	166,895	2,375,622	2,208,727	7%	202,441	(35,546)
Welding-Cred	225,044	442,690	217,646	51%	210,126	14,918

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2022-23 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
<u>Totals for VP Instruction</u>	<u>7,210,744</u>	<u>17,043,534</u>	<u>9,832,789</u>	<u>42%</u>	<u>6,253,176</u>	<u>957,568</u>
<u>Summary for VP of Instruction</u>						
Allied Health Admin	5,163	12,146	6,983	43%	3,899	1,264
CE-CAN Program	10,719	19,948	9,229	54%	21,301	(10,583)
CE-CPR	1,438	2,998	1,560	48%	208	1,230
CE-Dental	55	10,656	10,601	1%	4,964	(4,909)
Nursing - BSN	0	0	0	0%	0	0
Program Development	87,214	261,286	174,072	33%	46,116	41,098
<u>Totals for VP of Instruction</u>	<u>104,589</u>	<u>307,034</u>	<u>202,445</u>	<u>34%</u>	<u>76,488</u>	<u>28,102</u>
<u>Summary for VP Student Services</u>						
Admissions	130,288	285,362	155,074	46%	110,996	19,292
Advise Center	240,759	641,035	400,275	38%	290,449	(49,690)
Career & Placement	40,198	118,385	78,187	34%	36,567	3,631
Enrollment Mgmt	25,675	73,119	47,444	35%	59,971	(34,296)
Facilities & Student Recreat	31,205	114,895	83,690	27%	42,219	(11,014)
Judicial Affairs	91,885	201,077	109,192	46%	62,613	29,272
Multicultural Department	5,921	12,500	6,579	47%	4,063	1,858
Recruitment	247,154	595,732	348,578	41%	162,841	84,313
Stu Financial Svcs	253,438	576,488	323,049	44%	187,446	65,992
Stu Organizations	137,306	316,435	179,128	43%	97,100	40,206
Student Graduation	27,333	74,080	46,747	37%	17,275	10,058
Svcs-Disab Students	14,717	37,951	23,234	39%	3,553	11,164
Testing	120,920	359,283	238,363	34%	76,412	44,507
Title V Grant	0	0	0	0%	27	(27)
Veteran Affairs	87,660	174,298	86,637	50%	70,060	17,601
VP Student Services	127,151	303,997	176,847	42%	112,705	14,446
<u>Totals for VP Student Services</u>	<u>1,581,611</u>	<u>3,884,636</u>	<u>2,303,025</u>	<u>41%</u>	<u>1,334,298</u>	<u>247,314</u>

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2022-23 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
<u>Totals for Expense</u>	<u>15,154,128</u>	<u>37,996,091</u>	<u>22,841,963</u>	<u>40%</u>	<u>12,808,889</u>	<u>2,345,239</u>
<u>Fund Bal by Division</u>						
<u>Summary for VP Fiscal Affairs</u>						
Fund Balance - Academic Support	0	0	0	0%	4,730	(4,730)
Fund Balance - Institutional Support	505,333	0	(505,333)	0%	731,678	(226,344)
Fund Balance - Instruction	159,896	3,909	(155,987)	4091%	139,922	19,974
Fund Balance - Oper & Maint	47,645	0	(47,645)	0%	0	47,645
Fund Balance - Student Services	28,607	0	(28,607)	0%	41,050	(12,443)
<u>Totals for VP Fiscal Affairs</u>	<u>741,481</u>	<u>3,909</u>	<u>(737,572)</u>	<u>18970%</u>	<u>917,379</u>	<u>(175,899)</u>
<u>Totals for Fund Bal</u>	<u>741,481</u>	<u>3,909</u>	<u>(737,572)</u>	<u>18970%</u>	<u>917,379</u>	<u>(175,899)</u>
<u>Totals for Report</u>	<u>15,895,609</u>	<u>38,000,000</u>	<u>22,104,391</u>		<u>13,726,269</u>	<u>2,169,341</u>



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 27, 2023
Subject: Resolution of Support for the Texas Commission on Community College Finance Recommendations

Discussion and possible action on the Resolution supporting the final recommendations concerning community college funding.

Presented for recommended approval to the Board of Trustees on February 27, 2023.

MINUTE ORDER

Motion To Be Acted Upon: "I move the Board of Trustees approve the Resolution of Support for the Texas Commission on Community College Finance Recommendations."

PURPOSE

This resolution is to publicly display College of the Mainland's support of the recommendations of the Texas Commission on Community College Finance Committee as they are central to shared policy goals for the 88th Texas Legislature.

ATTACHMENT

Resolution of Support for the Texas Commission on Community College Finance Recommendations

Resolution of Support
for the Texas Commission on Community College Finance Recommendations

WHEREAS, the State of Texas established the Texas Commission on Community College Finance to evaluate community college funding and improve student outcomes through alignment with state postsecondary goals, and

WHEREAS, the Texas Commission on Community College Finance developed their recommendations with input from various stakeholders, including business leaders, lawmakers, college officials, students, and trustees, and

WHEREAS, the recommendations are a historic opportunity to obtain funding to ensure postsecondary student success, and

WHEREAS, the recommendations include performance-based funding based on measurable outcomes, and

WHEREAS, the recommendations include much-needed support for workforce development to produce credentials of value in high-demand fields, and

WHEREAS, the recommendations include support for students enrolling in dual credit programs, and

WHEREAS, the recommendations would provide support to economically and educationally disadvantaged students, as well as adult learners.

THEREFORE, BE IT RESOLVED that the Board of Trustees of College of the Mainland officially declares its support for the recommendations issued to the 88th Texas Legislature by the Texas Commission on Community College Finance.

BE IT FURTHER RESOLVED that this Resolution be included in the permanent minutes of this Board.

ADOPTED THIS ____ day of _____, 2023 by the Board of Trustees of College of the Mainland.

COLLEGE OF THE MAINLAND

William McGarvey, Board Chair
Board of Trustees

Melissa Skipworth, Secretary
Board of Trustees



PRESIDENT'S OFFICE

Board Report

Presenter: Board Chair

A. Miscellaneous Updates



PRESIDENT'S OFFICE

President's Report

Presenter: Dr. Warren Nichols

A. Updates

B. Reminders/Announcements

1. Flock the Block – Saturday, March 25th,
10:00 a.m. – 2:00 p.m.
2. Employee Recognition Dinner (ERD) – Friday, March 31st,
5:00 p.m.
3. Board Meetings
 - a. March 2023 – **Wednesday**, March 29th, 1:30 p.m.
 - b. April 2023 – Monday, April 24th, 1:30 p.m.
 - c. May 2023 – Monday, May 22nd, 1:30 p.m.
4. Spring Graduation
 - a. Saturday, May 13th, Abundant Life

C. Resignations and Retirement Report

D. Miscellaneous Updates



PRESIDENT'S OFFICE

Resignations & Retirements

Last Name	First Name	Position	Hire Date	Last Date of Work	Termination Reason
Medford	Cindy	Administrative Assistant IV	09/15/2021	01/31/2023	Resignation
Lummus	Amber	Senior Research Analyst	10/01/2012	02/23/2023	Resignation



PRESIDENT'S OFFICE

Executive Session

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive meeting or session of the Board should be held or is required in relation to any items included in this Notice, then such closed or executive meeting or session as authorized by Section 551.001 et seq. of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this Notice or as soon after the commencement of the meeting covered by the Notice as the Board may conveniently meet in such closed or executive meeting or session concerning any and all subjects and for any and all purposes permitted by Sections 551.071, inclusive, of the Open Meetings Act, including, but not limited to:

Section 551.071 – For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.

Section 551.072 – For the purpose of discussing the purchase, exchange, lease or value of real property.

Section 551.073 – For the purpose of considering a negotiated contract for a prospective gift or donation.

Section 551.074 – For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.

Section 551.076 – To consider the deployment, or specific occasions for implementation, of security personnel or devices.

Section 551.082 – For the purpose of considering discipline of a student or to hear a complaint by an employee against another employee if the complaint or charge directly results in a need for a hearing.

Section 551.084 – For the purpose of excluding a witness or witnesses from a hearing during examination of another witness.

Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in such closed or executive meeting or session, then such final action, final decision, or final vote shall be at either:

- A. The open meeting covered by this Notice upon the reconvening of the public meeting, or
- B. At a subsequent public meeting of the Board upon notice thereof, as the Board shall determine.



PRESIDENT'S OFFICE

Possible Action on Agenda Items, Including Closed Session Matters

Consideration of and Possible Action on any items discussed in closed session.