

November 17, 2003

**SUBJECT:** Place 4, Austin Community College Board of Trustees

**PROPOSED ACTION**

That the Board of Trustees hear presentations, interview the nine (9) finalists, and possibly appoint one of the candidates to the Place 4 seat on the Austin Community College Board of Trustees.

**RELATED BOARD POLICY OR PLANNING DIRECTIVE**

This item is consistent with Board Policy B-2, Duties and Responsibilities, Board of Trustees.

**RATIONALE**

The Board earlier determined the process for receiving applications and selecting the finalist candidates for the Place 4 seat on the Austin Community College Board of Trustees. The finalist candidates received a standard list of questions prior to this meeting and provided written responses to the six questions. Since that time, one of the finalists has requested to be withdrawn from candidacy leaving a total of nine candidates to be interviewed. Interviews at the Board Work Session on November 17, 2003, will include a two-minute introduction by each candidate and response to questions selected from the standard listing of questions.

**BUDGETARY CONSIDERATION**

None.

**RESOURCE PERSONNEL**

Rafael Quintanilla, Board Chair  
Barbara Mink, Board Vice Chair  
Allen Kaplan, Board Secretary

**ATTACHMENT(S):**

List of Candidates  
Interview Questions  
Process for Filling Vacancy on the ACC Board of Trustees  
Press Release – ACC Board Seeks Applications  
Qualifications of a Board of Trustee Candidate

**Candidates for Place 4  
Austin Community College Board of Trustees**

**Rodney E. Ahart**

**Tom Arbuckle**

**Weaver (Bruce) Cook**

**Thomas Krueger**

**James McGuffee**

**Veronica Rivera**

**Jeffrey Richard**

**Charles Rouse**

**Melvin G. Wrenn**



## **Process for Filling Vacancy On the Austin Community College Board of Trustees**

When a vacancy occurs on the Board of Trustees, the Board, in accordance with the laws of the State of Texas, shall fill the unexpired term in accordance with the following guidelines:

1. The candidate for trustee must be a registered voter who resides within the College Taxing District.
2. The Board shall announce the vacancy through the news media, including minority-language newspapers. The vacancy should also be announced on the Austin Community College website.
3. The Board shall determine the period for responding to the announcement, the time being at least 10 calendar days.
4. Persons interested in being appointed to the Board shall submit a cover letter, resume and support documents to the designee of the Board.
5. The Board of Trustees shall review the resumes and support documents and select a number of candidates to be interviewed.
6. The Board will send a standard list of questions to the applicants selected to be interviewed.
7. The Board of Trustees shall interview the applicants and make a decision to fill or not to fill the position.

NEWS RELEASE  
FOR IMMEDIATE RELEASE  
October 14, 2003

**Media Contacts:** Cile Spelce,  
512-223-7120 or Toni Gardner,  
223-7596

### ACC BOARD SEEKS APPLICATIONS

Austin Community College Board of Trustees are taking applications to temporarily fill the board seat vacated by Beverly Watts Davis. Davis announced her resignation from the board on September 15, 2003.

Davis was appointed in May as director of Substance Abuse and Mental Health Services Administration in Washington, DC.

At Tuesday's board meeting, Trustees discussed the process of appointing someone to fill the vacant seat until Davis' term expires. Davis' term ends in May of 2004. An election will be held at that time to fill her expiring board seat and two other expiring seats. Board members are elected to serve six-year terms.

Candidates must live within the ACC taxing district of the Austin, Manor or Leander school districts. The board will accept a candidate's resume, letter of intent and support documents until October 27, 2003. The board will then select finalists for interviews. Finalists will respond to questions during interviews at the November 17, 2003 board meeting. The Board of Trustees will decide after the interviews whether to fill the position.

All interested applicants should contact board assistant Pat Stubbs. She can be reached at [pstubbs@austincc.edu](mailto:pstubbs@austincc.edu) or 223-7613. To review board replacement policy please visit the ACC link at <http://www.austincc.edu/gvtcr/TrusteeQualifications.htm>.

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## Governmental and Community Relations

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### Qualifications of a Board of Trustee Candidate

Texas Education Code, Section 130.082(g) provides that "Any resident, qualified elector of the 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 with the secretary of the board a written application therefore signed by the applicant, not later than 5 p.m. of the 45th day before the date of the election." An application may not be filed earlier than the 30th day before the date of the filing deadline and must state the number of the position for which the person is a candidate or the name of the incumbent holding the position for which the candidate plans to run.

According to Texas Election Code 141.001, to be eligible for a public elective office in this state, a person must be a United States citizen; at least 18 years of age on the first day of the term to be filled; have not been determined mentally incompetent by a final judgment of a court; have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities; have resided in the state for 12 months; and resided in the district for six months. Candidate's names must appear on the ballot only as independents. Texas Election Code 144.002.

Other legal doctrines that affect a person's ability to serve on the Board of Trustees:

#### 1. Incompatibility through self appointment, self employment and conflicting loyalties:

- a. A person cannot serve as an employee and a member of the Board in the district in which the person is employed. Texas Attorney General. Op. LA 114 (1975); or as a part-time volunteer performing the duties of a regular employee. Tex. Att'y Gen.Op.JC-0371 (2001).
- b. An individual is prohibited from simultaneously serving as a community college trustee and a member of the Texas Coordinating Board of Higher Education Tex.Att'y Gen. Op, JM97 (1983)
- .c. A trustee of a community college district may not also serve as a county commissioner in a county in which the district is located, Tex. Att'y Gen.Op. JM-129 (1984), or as a member of city council in a city whose boundaries are coterminous, Tex.Att'y Gen.Op. LO 93-22 (1993), or as a county attorney for the county in which the district lies. Tex.Att'y Gen. Op. LO 95-029 (1995).

**2. Nepotism:** Section 573.041 of the Texas Government Code prohibits a public official from appointing, confirming or voting for an appointment or confirmation of an appointment of an individual if the individual is related to the public official (within the second degree of affinity or the third degree of consanguinity).

a. This does not apply if the relative has been continuously employed in the position immediately before the election for a period of at least six months. Otherwise, the relative may not retain the position or be hired. Tex. Att'y Gen. Op. LA 156 (1978); see also Tex. Att'y Gen. Op. JM 288 (1984).

b. Noncompliance with the nepotism statutes may subject the appointing officer to severe consequences including removal from office and criminal sanctions. Tex. Att'y Gen. OP. GA 0073 (2003).

**3. Conflicts of Interest:**

a. A local public official must disclose a substantial interest or that of a relative in the first degree by affinity or consanguinity in a business entity and abstain from participating in a vote on a decision on any matter involving the business entity. Tex. Local Govt. Code 171.002 and 171.003. Noncompliance may subject the public official to criminal penalties. Tex. Local Govt. Code 171.003.

b. The Attorney General concluded that Stephen F. Austin University was barred by common law conflict of interest from purchasing the products of a firm in which a regent had substantial interest, even though the board of regents had delegated purchasing decisions to subordinate officers and employees. Tex. Atty. Gen. Op. JM 817 (1987).

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revised by bs on 7/30/03