

MINUTES

Regular Quarterly Meeting of the

COORDINATING BOARD  
TEXAS COLLEGE AND UNIVERSITY SYSTEM

Held in the Joe C. Thompson Conference Center  
Austin, Texas

October 17, 1975

The Coordinating Board convened at 9:30 a.m., with the following members present: Mr. Harry Provence, Chairman, presiding; Mr. Newton Gresham, Vice-Chairman; Mr. Jack Arthur; Mr. Tony Bonilla; Dr. G. V. Brindley, Jr.; Mr. Marshall Formby; Mrs. Betty Jo Hay; Dr. James P. Hollers; Mr. Fred H. Moore; Mr. R. Paul Teague, Sr.; Mr. M. Harvey Weil; and Mr. Sam D. Young, Jr.

Members not present were Mr. Robert W. Baker, Mr. O. H. Elliott, Mr. Harold D. Herndon, Mr. Richard S. Slocomb, Mr. Wayne E. Thomas, and Mr. Watson W. Wise.

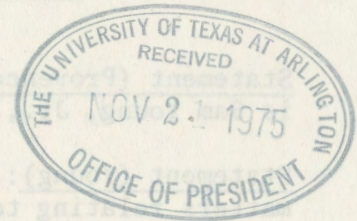
Members of the Board's staff in attendance were Dr. Bevington Reed, Mr. Mack Adams, Mr. Gordon Flack, Dr. David Kelly, Mr. James McWhorter, Dr. William Webb, Mr. John Cobb, Dr. Norma Foreman, Mr. E. D. Fitzpatrick, Dr. Raymond M. Hawkins, Mr. Landrum Hickman, Mr. Wilbur Hurt, Mrs. Ernestine Sisk, Mr. Joseph Szutz, Dr. Forrest E. Ward, Mrs. Bonnie Brode, and Mrs. Mary Allen.

A list of visitors recorded as attending the meeting is appended to these Minutes as Attachment A.

The meeting was called to order by Chairman Provence and the invocation offered by Mr. Gresham.

ITEM 1. APPROVAL OF MINUTES, MEETING OF SEPTEMBER 12, 1975

On motion by Mr. Young, seconded by Mr. Weil, the Board approved Minutes of the September 12, 1975 Coordinating Board meeting, as submitted.



ITEM 11. ADOPTION OF AMENDMENTS TO COORDINATING BOARD RULES AND REGULATIONS FOR IMPLEMENTING REQUIREMENTS OF SENATE BILL 706, 64TH LEGISLATURE, AS RELATED TO FACILITIES CONSTRUCTION

Statement (Provence): Now we come to a most troublesome and difficult responsibility that was assigned to the Coordinating Board by Senate Bill 706. You will remember at our meeting in Corpus Christi we devoted quite a bit of time to this problem. We are trying to find our way through a most complicated situation and to provide guidelines which will be helpful to the universities and colleges and to us, so we will all be playing off the same rule book, with everybody understanding each other. Let me say at the outset that we covet the cooperation and patience of the institutions as we try to sort out this responsibility.

This item has to do with amendments to the rules and regulations implementing requirements of Senate Bill 706, 64th Legislature, as related to facilities construction.

This was treated at the committee meeting yesterday, and I'll ask Mr. Gordon Flack if he will come forward and give us the results of the committee deliberation.

Statement (Flack): Mr. Provence, as you mentioned, at our meeting in Corpus Christi the Board did receive with appreciation the report of the advisory committee on implementing requirements of Senate Bill 706 and directed the staff to adopt new rules and regulations encompassing the following four recommendations found in that report.

- Conformity with role and scope of the institution should be prerequisite to Coordinating Board approval of new construction or major repair and rehabilitation projects;
- Consideration of new construction or major repair and rehabilitation projects should be based upon a comprehensive and current institutional campus master plan;
- Consideration of requests for new construction and major repair and rehabilitation projects should include an evaluation of effective use of space in the proposed facility, an assessment of current institutional space availability, effectiveness of utilization of existing space, and relative need for additional space;
- Each institution should file a "Certificate of Compliance" with the Coordinating Board prior to final project approval to assure that each proposed project meets standards of accessibility for the handicapped in accordance with Chapter 324, Acts of the 61st Legislature, Regular Session, 1969, as amended [Article 678(g), Vernon's Texas Civil Statutes].

The Board agreed to defer consideration on the recommendation (committee recommendation number three, which stated that new construction and repair and rehabilitation projects should include certain financial aspects and implications of the proposed project. Instead, the Board directed the staff to seek an opinion from the Attorney General defining the authority and obligation of the Board regarding regulation of expenditure of funds in dealing with the construction of facilities.

A copy of the request to the Attorney General and his reply are attached as Exhibits A and B in your materials. In the Attorney General's response to us, he requested that the institutions respond to him regarding how they felt about the proposed question.

In addition to that, the staff, at your request, has sent this information to each of the institutions and requested their responses. In addition, we have had meetings with the facilities directors, vice presidents for fiscal affairs, and with junior college administrators to explain the proposed changes to them.

The Attorney General has not yet released his opinion regarding financial questions, but the staff recommends approval of the attached changes to the rules and regulations of the Coordinating Board. If additional changes need to be made after receipt of the Attorney General's opinion, the staff will submit further refinements at that time.

If you will look at Exhibit C of your materials, I have certain recommendations, made at the suggestion of Mr. Formby to the committee yesterday, that in addition to those four provisions there be a preliminary approval by the Board. He suggested that Chapter VII, Section 7 of the Coordinating Board rules and regulations read as follows:

## CHAPTER VII

Section 7 - Standards, Rules and Regulations to be Used in Facilities Applications - The Board shall develop and publish standards to guide the institutions and agencies of higher education in making application for the approval of new construction and major repair and rehabilitation of all buildings and facilities, regardless of proposed use (Article 2919e-2; Sec. 15(6), Vernon's Texas Civil Statutes). The application procedures shall consist of two steps. The first step, which is optional, involves the partial completion of the application form and submittal of that information at least thirty (30) days prior to the Board meeting at which the request is to be considered. Board consideration at this point will result only in Coordinating Board endorsement of the project's feasibility. The second step, which is mandatory within the conditions of Senate Bill 706 (64th Legislature, 1975) involves the completion and submittal of the entire application form at least sixty (60) days prior to the Board meeting at which the request will be considered. The second step is required for final Board approval or disapproval of a project.

I believe it was the feeling of the committee that the preliminary step would not be necessary for certain type projects, such as utilities construction or maybe auxiliary enterprise buildings -- things that may not be of a controversial nature as far as role and scope and campus master plan are concerned.

The consensus of the group meeting yesterday was to recommend the approval of these rules and regulations.

Statement (Provence): You have heard the recommendation of the committee. Mr. Formby moves approval. Mr. Gresham seconds. Is there any discussion or question on this matter?

Question (Bonilla): Mr. Chairman, wasn't there something also approved suggesting that the staff go back and meet with the institutions and get input from them on these?

Answer (Flack): Yes, sir. We have forwarded this information to each of the institutions. We have met with the financial officers of each of the institutions and the junior college administrators and have received their input and feelings about the proposed changes.

Question (Provence): Are there any other questions? Are you ready for the question?

*[NOTE: In addition to Section 7 of Chapter VII, cited above, Section 8 was recommended for approval, as follows:]*

Section 8 - New Construction, Repair and Rehabilitation of Facilities -  
The Board shall approve or disapprove all new construction, and repair and rehabilitation of all buildings and facilities at institutions of higher education, regardless of proposed use or source of funding; provided that the Board shall consider the following:

8.1 Purpose of New or Remodeled Buildings - The Board's consideration and determination shall be limited to the purpose for which such new or remodeled building shall be used and its gross dimensions to assure conformity with approved space utilization standards and the institution's approved programs and role and scope. An evaluation of the effectiveness of use of the space in the proposed facility, an assessment of current institutional space availability, effectiveness of utilization of existing space, and relative need for additional space will be made from the current physical facilities inventory on file at the Coordinating Board.

8.2 Campus Master Plans - Consideration of new construction or major repair and rehabilitation projects shall be based upon a comprehensive and current institutional

campus master plan. Coordinating Board approval for such projects, therefore, shall be contingent upon the availability of a campus master plan or an approved process for assuring that such a plan is in development.

8.3 New Construction - Board approval for new construction financed from any source shall be limited to projects the total cost of which is in excess of \$100,000.

8.4 Major Repair and Rehabilitation - Board approval for major repair and rehabilitation of buildings and facilities shall be limited to projects, the total cost of which is in excess of \$25,000.

8.5 Ad Valorem Tax Limitations (Public Junior Colleges) - Required approval or disapproval by the Board of new construction and major repairs and rehabilitation at public junior colleges shall not apply to new construction or major repair and rehabilitation projects financed exclusively from ad valorem tax receipts of the public junior colleges (Attorney General's Opinion C-686, May 16, 1966).

8.6 Legislative Limitations - required approval or disapproval by the Board of new construction and major repair and rehabilitation shall not apply to any projects specifically approved by the Legislature.

8.7 Barriers to the Handicapped - The Board shall ascertain that the standards and specifications for new construction repair and rehabilitation of all buildings and facilities are in accordance with Chapter 324, Acts of the 61st Legislature, Regular Session, 1969, as amended [Article 678(g) Vernon's Texas Civil Statutes regarding design barriers to the handicapped].

**BOARD ACTION:** On motion by Mr. Formby, seconded by Mr. Gresham, the Board adopted the above amendments to the rules and regulations implementing requirements of Senate Bill 706, 64th Legislature, 1975, as related to facilities construction. [NOTE: Mr. Weil later requested that his vote be recorded as "No." See page 31 and following.]