

Frank Phillips College
Board of Regents
Special Meeting
December 10, 2010

- Members Present: Conny Moore, Steve Williams, Odis McClellan, Ed Quiros, Jay Campbell, and Scott Radach. Absent: Sandra Hilbert and Marlene McKinney.
- Others Present: Jud Hicks, Shannon Carroll, Lew Hunnicutt, Becky Green, Rusty Berry, News Herald, and Gloria Rummel.
- Call to Order: Mr. Moore called the meeting to order at 12:35 p.m. Mr. Campbell presented the invocation.
- Response to the Auditors: Mr. Williams noted that he had spoken to Jerry McMillon of the College's auditing firm, CMMS, regarding the material weakness disclosed in the annual audit. There was only one material weakness that required the Board's response, the one shown on page fifty-six of the November 8, 2010, Tentative Draft entitled Finding 2010-01. Mr. Williams proposed that the Board adopt a Corrective Action Plan as follows:
- The Board of Regents shall evaluate payroll procedures and controls as they currently exist. The Board of Regents shall implement changes as it deems appropriate to ensure there is a well-defined procedure and approval process for fixing the President's compensation.
- On a motion by Mr. McClellan, seconded by Dr. Quiros, the Corrective Action Plan was unanimously adopted as presented.
- Closed Session: Mr. Moore called a closed session at 12:45 p.m., citing the authority for such session as contained in the Open Meetings Act, Texas Code Annotated, Government Code Article 551.072 and Article 551.074.
- Open Meeting: Mr. Moore reconvened the open session of the Board of Regents at 3:05 p.m. noting that no final actions, decisions or votes were made in regard to any matters considered in the closed meeting.
- Property Purchase: Mr. Campbell moved that Mrs. O'Neal be thanked for the 1999 option to purchase the vacant land on Opal Street and that we explain to her that, at this time, we do not wish to purchase additional property. Additionally, we state that the College would be open to future contributions and we would be willing to give naming rights to the donor when appropriate. We just mainly want them to know that the Board really appreciates her long-time lineage and support of Borger and Hutchinson County. Seconded by Mr. Williams, the motion was accepted unanimously as presented.

Consideration of
Continuation, Suspension,
Modification, and/or
Termination of

President's Contract: Mr. Williams moved to accept the retirement of Dr. Swender as President of Frank Phillips College and, in light of his retirement, to consider his employment contract with the college terminated. As part of this same motion, he also moved that the college continue its relationship with Dr. Swender as a consultant according to the terms of the memo which has been prepared by counsel and will be placed in Dr. Swender's employment file held in the office of college legal counsel. Finally, Mr. Williams moved that Chair Conny Moore be authorized to sign the release, which has already been signed by Dr. Swender and which will also be placed in Dr. Swender's personnel file with legal counsel. Seconded by Mr. Radach, the motion was accepted with four in favor and Mr. McClellan abstaining.

Interim President: Dr. Quiros moved that Dr. Jud Hicks, Vice President for Administrative Services, be appointed to act as interim president. A compensation package for Dr. Hicks will be worked out at the January Board of Regents Meeting. Seconded by Mr. Radach, the motion was accepted unanimously.

Dr. Quiros asked Dr. Hicks if he is willing to accept the position. Dr. Hicks answered, yes.

Adjournment: There being no further business, the meeting was adjourned at 3:10 p.m.