

# **Stephen F. Austin State University**

## **MINUTES OF THE BOARD OF REGENTS**



**Nacogdoches, Texas  
May 10, 2023  
Volume 363**

**TABLE OF CONTENTS**  
**BOARD MINUTES FOR MAY 10, 2023**  
**BOARD OF REGENTS MEETING 363**

Page

**COMMITTEE OF THE WHOLE**

<b>Board Order 23-44</b>	
Contract Over \$1 Million – Architect/Engineer Contract for Forestry, Agriculture and Interdisciplinary Project.....	1
<b>Board Order 23-45</b>	
Resolution Authorizing Execution of an Advance Funding Agreement with the Texas Department of Transportation for a Transportation Alternatives Set-Aside Project .....	2
<b>Board Order 23-46</b>	
Approval of the minutes of Meeting 362, April 23-25, 2023 .....	2
<b>Board Order 23-47</b>	
Approval of Emeritus.....	2
<b>Board Order 23-48</b>	
Acceptance of President Steve Westbrook’s Retirement.....	3
<b>Board Order 23-49</b>	
Appointment of Interim President .....	3

**APPENDICES**

Appendix 1 – Resolution

**Stephen F. Austin State University  
Minutes of the Meeting of the Board of Regents  
Nacogdoches, Texas  
May 10, 2023  
Austin Building, Room 307  
Meeting 363**

**Wednesday, May 10, 2023**

The meeting of the Board of Regents was called to order in open session at 8:32 a.m. by chair Karen Gantt.

**PRESENT:**

Board Members:       Mrs. Karen Gantt, Chair  
                              Mr. Tom Mason, Vice Chair  
                              Mrs. Jennifer Winston, Secretary  
                              Mr. David Alders  
                              Mr. Robert Flores  
                              Mrs. Brigettee Henderson  
                              Dr. Laura Rectenwald  
                              Ms. Nancy Windham  
                              Ms. Paige Vadnais, Student Regent

Regent Judy Olson was unable to attend.

President:                Dr. Steve Westbrook  
General Counsel:       Mr. Damon Derrick  
Chief Audit Exec.:     Mrs. Jane Ann Bridges

Other SFA administrators and staff were in attendance.

The Board heard presentations from Kirksey Architects, Inc., OMINPLAN, Inc., and Perkins & Will, for the architect and engineer contract for the Forestry, Agriculture and Interdisciplinary Project.

**Board Order 23-44**

Upon motion by Regent Alders, seconded by Regent Mason, and with all members voting aye, it was ordered that the following item be approved.

**CONTRACT OVER \$1 MILLION – ARCHITECT/ENGINEER CONTRACT FOR FORESTRY, AGRICULTURE AND INTERDISCIPLINARY PROJECT**

WHEREAS, the board members considered: The 87<sup>th</sup> Texas Legislature approved funding for a Capital Construction Assistance Project (CCAP) for Stephen F. Austin State University in the amount of \$44,922,833. These funds are for a Forestry, Agriculture, and Interdisciplinary Project.

The University issued a Request for Qualification (RFQ) for selection of an Architect/Engineer firm for the project and respondents were evaluated, ranked and three finalists were selected from the respondents by a review committee. Administration recommends the selection of the architect/engineer.

THEREFORE, it was ordered that Board of Regents select Kirksey Architects, Inc. dba Kirksey as the finalists for the Forestry, Agriculture, and Interdisciplinary Project. Should negotiations with the Kirksey fail to produce an agreement, the administration is authorized to negotiate with Perkins & Will as the second finalist. The president is authorized to sign all associated contracts, amendments, and purchase orders for a cost not to exceed \$5,600,000.

**Board Order 23-45**

Upon motion by Regent Mason, seconded by Regent Winston, and with all members voting aye, it was ordered that the following item be approved.

**RESOLUTION AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ALTERNATIVES SET-ASIDE PROJECT**

WHEREAS, the board members considered: At the April 2022 meeting, the Board of Regents approved through Board Order 22-41 the authorization to execute an Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT). The AFA is a contract that outlines the specific terms and conditions of the grant-funded project. The grant requires a twenty percent match of \$362,255. TxDOT is contributing \$217,000 towards the local match, leaving the university to contribute the remaining \$145,255 to complete the twenty percent match. Upon review by the university, the university will agree to be responsible for the local match and the non-reimbursable costs and overruns up to \$150,000, if any. The administration seeks authorization to proceed with the Advanced Funding Agreement as presented.

THEREFORE, it was ordered the approval of the Resolution presented in Appendix 1, authorizing the Advanced Funding Agreement with the Texas Department of Transportation for a Transportation Alternatives Set-Aside Project related to the Lanana Creek Trail – for the 2019 Safe Routes to School/Transportation Alternatives Grant Program, and the president is authorized to sign any associated contract.

**Board Order 23-46**

Upon motion by Regent Henderson, seconded by Regent Windham, with all members voting aye, it was ordered that the minutes of Meeting 362, April 23-25, 2023 be approved as presented.

**Board Order 23-47**

Upon motion by Regent Winston, seconded by Regent Alders, and with all members voting aye, it was ordered that the following item be approved.

**EMERITUS**

WHEREAS, the board members considered: Promotions are initiated at the departmental level by one of the following methods: a faculty member applies for promotion on his/her own behalf or is recommended for promotion by his/her department chair. The application/recommendation is

reviewed, ranked, and recommended or not recommended for approval by the department faculty at or above the rank sought, department chair, dean, provost/vice president of academic affairs and president. Promotions recommended for approval by the president are submitted to the board for consideration.

THEREFORE, it was ordered the approval of Piero Fenci, Professor of Art, be promoted to the academic rank of Professor Emeritus, effective September 1, 2023.

Chair Gantt called the meeting into Executive Session to discuss the following items at 12:06 p.m.:

Deliberations Regarding Negotiated Contracts for Prospective Gifts or Donations.  
(Texas Government Code, Section 551.073)

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee, including but not limited to director of athletics, chief marketing communications officer, chief information officer, chief diversity officer, director of governmental relations, general counsel, coordinator of board affairs/compliance, chief audit executive, vice presidents, and the president. (Texas Government Code, Section 551.074)

The executive session ended and the Board of Regents meeting returned to open session at 12:52 p.m.

#### **Board Order 23-48**

Upon motion by Regent Mason, seconded by Regent Windham, and with all members voting aye, it was ordered that the following item be approved.

#### ACCEPTANCE OF PRESIDENT STEVE WESTBROOK'S RETIREMENT

WHEREAS, the board members considered: President Steve Westbrook returned to service at Stephen F. Austin State University on April 11, 2022 after his earlier retirement from the university at the end of 2020. His agreement upon his return was to serve through the 88<sup>th</sup> regular session of the Texas Legislature, which concludes on May 29, 2023. President Westbrook has declared his intention to return to retirement effective May 31, 2023.

THEREFORE, the Board of Regents approved the retirement of President Steve Westbrook, effective May 31, 2023, after a cumulative 42 years of service to the university.

#### **Board Order 23-49**

Upon motion by Regent Winston, seconded by Regent Henderson, and with all members voting aye, it was ordered that the following item be approved.

#### APPOINTMENT OF INTERIM PRESIDENT

WHEREAS, the board members considered: President Steve Westbrook has notified the Board of Regents of his retirement effective May 31, 2023. It is necessary for the Board of Regents to appoint an interim president to serve until such time as the next president is named.

THEREFORE, the Board of Regents appointed Gina Oglesbee as interim president of Stephen F. Austin State University at an annual salary of \$365,000 annually, effective June 1, 2023.

Gina Oglesbee provided remarks of gratitude to the Board.

The final meeting of the Stephen F. Austin State University Board of Regents was adjourned by Chair Gantt at 1:04 p.m.

RESOLUTION AUTHORIZING EXECUTION OF AN  
ADVANCE FUNDING AGREEMENT (AFA) WITH THE  
TEXAS DEPARTMENT OF TRANSPORTATION FOR A  
TRANSPORTATION ALTERNATIVES SET-ASIDE (TASA) PROJECT

WHEREAS, on April 29, 2021, via Minute Order 116003, the Texas Transportation Commission authorized Lanana Creek Trail project (the “Project”) to receive Transportation Alternatives Set-Aside (TASA) funds for project construction and Texas Department of Transportation (TxDOT or the State) oversight; and

WHEREAS, the TASA funds require a local match, Stephen F. Austin State University commits to provide the match. The local match is comprised of cash; and

WHEREAS, Stephen F. Austin State University is responsible for non-reimbursable costs and overruns up to \$150,000, if any; and

WHEREAS, the Governing Body of Stephen F. Austin State University desires to reaffirm its support of the Project and approve and authorize the execution of an Advance Funding Agreement (AFA) with TxDOT for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Regents of Stephen F. Austin State University THAT the President is authorized to enter into an AFA with TxDOT for this Project provided the university is only responsible for the local match of \$145,255, and non-reimbursable costs and overruns up to \$150,000.

DULY PASSED by the Board of Regents of Stephen F. Austin State University on the 10th day of May, 2023.

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Karen Gantt  
Stephen F. Austin State University  
Board of Regents, Chair  
May 10, 2023