

BOARD MEMBERS AUTHORITY (and Fiduciary Responsibility)
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UPDATE 23
BBE(LEGAL)-PJC

1. BOARD ACTIONS

Because the Board is a body corporate, members can perform no valid act except as a body at meetings properly convened and conducted.

Toyah ISD v. Pecos-Barstow ISD, 466 S.W.2d 377(Tex. Civ. App.-San Antonio, 1971, no writ); *Buchele v. Woods*, 528 S.W.2d 95 (Tex. Civ. App.-Tyler, 1975, no writ)

2. RIGHT OF ACCESS

Individual Trustees, in their official capacity as public officers entrusted with governing and overseeing the management of the District, have an inherent right of access to records maintained by the District, under Board policies for orderly access.

Atty. Gen. Op. No. JM-119 (1983) [See FJ, GAA]

Each Board member shall have the legal responsibility of a fiduciary in the management of funds under the control of colleges subject to the Board's control and management.

Education Code 51.352(e)

3. PROTECTIONS FOR ACTING ON A LEGISLATIVE MEASURE

A Board member may not be subject to disciplinary action or a sanction, penalty, disability, or liability for:

1. An action permitted by law that the officer takes in the officer's official capacity regarding a legislative measure;
2. Proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure;
3. The effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or
4. A breach of duty, in connection with the member's practice of or employment in a licensed or regulated profession or occupation, to disclose to any person information, or to obtain a waiver or consent from any person, regarding the officer's actions relating to a legislative measure; or the substance, effects, or potential effects of a legislative measure.

Gov't Code 572.059