

# STUDENT ALTERNATIVES PROGRAM, INC.

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## NOTICE OF EMERGENCY SPECIAL CALLED MEETING OF THE CHARTER HOLDER BOARD OF DIRECTORS FOR:

GATEWAY ACADEMY CHARTER DISTRICT, LAREDO, TX  
MIDVALLEY ACADEMY CHARTER DISTRICT, MCALLEN, MERCEDES AND SAN BENITO, TX  
PASO DEL NORTE ACADEMY CHARTER DISTRICT, EL PASO, TX  
SOUTH PLAINS ACADEMY CHARTER DISTRICT, LUBBOCK, TX

Notice is hereby given that an emergency special called meeting of the "Charter Holder Board of Directors of Gateway Academy Charter District, Mid-Valley Academy Charter District, Paso Del Norte Academy Charter District, and South Plains Academy Charter District" will be held on Tuesday, May 23, 2017 beginning at 3:00 p.m. CST at the San Antonio Central Administrative Office • 1218 S. Presa • San Antonio, Texas 78210. The subjects to be discussed and/or acted on are found in the agenda attached to this notice and incorporated herein for all purposes.

If, during the course of the workshop covered by this notice, the Charter Holder Board of Directors should, determine that a closed or executive meeting of the Board is required, then such closed or executive meeting as authorized by the Texas Open Meetings Act, Texas government Code Section 551.001 et seq., will be held by the Board at the date, hour and place indicated in this Notice as the Board may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act, including, but not limited to the following sections: 551.071, 551.072, 551.073, 551.074, 551.075, 551.076, 551.082, 551.083, 551.084.

Should any final action decision or vote be required in the opinion of the Charter Holder Board of Directors with regard to any matter considered in such closed executive meeting or session, and then the final decision or vote shall be whether in open meeting or at a subsequent public meeting upon notice thereof, as the Board of Directors shall determine.

### POSTING INFORMATION

This notice and its **SUPPLEMENTAL NOTICE FOR EMERGENCY TELEPHONE CONFERENCE MEETING** is being posted at each of the charter campuses, the Central Office of the **Student Alternatives Program, Inc.**, located at 1218 S. Presa Street, San Antonio, Texas 78210 and on the **Student Alternatives Program, Inc.** official website [[www.sapiacademies.org](http://www.sapiacademies.org)].

Time: 1:00 P.M. CST

Signature: \_\_\_\_\_

*Frances Berrones-Johnson*

Date: May 23, 2017

Print Name: Frances Berrones-Johnson

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## SUPPLEMENTAL NOTICE FOR EMERGENCY TELEPHONE CONFERENCE MEETING

An emergency special called meeting of the “Charter Holder Board of Directors of Gateway Academy Charter District, Mid-Valley Academy Charter District, Paso Del Norte Academy Charter District, and South Plains Academy Charter District” will be held on Tuesday, May 23, 2017 beginning at 3:00 p.m. CST at the San Antonio Central Administrative Office • 1218 S. Presa • San Antonio, Texas 78210.

This meeting will be conducted via telephone conference because it was deemed an emergency due to an unforeseeable situation: **[See SAPI Bylaws and Open Meetings Act sections below.]**

*The two items on the agenda to be presented for board approval are:*

1. *Resolution Declaring Emergency at GWA-Townlake Campus for Bidding Purposes. Due to severe weather, the facility sustained serious damage. Students and staff cannot return to the facility because it is a threat to their health and safety. The facility will have to remain closed until further notice. This was an unforeseeable situation. and*
2. *The unanticipated situation may require that we relocate the campus on a temporary basis to the Charter District Auditorium located at 1600 Clark Blvd. Laredo, TX 78041. This accommodation can be made to facilitate making up a minimum of two days for attendance purposes.*

### **AS PER STUDENT ALTERNATIVES PROGRAM, INC. CORPORATE BYLAWS**

5.04 Charter School Meetings. When conducting business relating to the operations or affairs of any of the Corporation’s open-enrollment charter schools, meetings shall be conducted in accordance with provisions of the Texas Education Code and Chapter 551 of the Texas Government Code, and the Board of Directors shall be subject to the requirements of the Texas Open Meetings Act, including the following provisions: At no time shall a quorum of the full board meet to deliberate any issue or business of the Corporation without posting notice of a meeting as set forth in the bylaws. Directors shall normally attend all meetings in person, but may attend by alternate means if circumstances warrant and in accordance with the Texas Open Meetings Act.

#### (b) Emergency Meetings:

In the event of an emergency as defined in the Texas Open Meetings Act, a meeting may be conducted by **telephone conference call**. If a meeting involves telephonic participation, the telephonic participation must be by conference call in which all persons participating can be heard by all other participants and the public.

### **AS PER THE OPEN MEETINGS ACT**

#### **Telephone Conference Meeting:**

A governmental body may not conduct meetings subject to the Act by telephone or videoconference unless a statute expressly authorizes it to do so.<sup>147</sup> The Open Meetings Act authorizes governmental bodies to conduct meetings by telephone conference call under limited circumstances and subject to procedures that may include special requirements for notice, record-keeping and two-way communication between meeting locations.<sup>148</sup>

A governmental body may hold an open or closed meeting by telephone conference call if:

1. *an emergency or public necessity exists within the meaning of Section 551.045 of [this chapter]; and*
2. *the convening at one location of a quorum of the governmental body is difficult or impossible; or*
3. *the meeting is held by an advisory board.*<sup>149</sup>

The emergency telephone meeting is subject to the notice requirements applicable to other meetings held under the Act. The open portions of the meeting are required to be audible to the public at the location specified in the notice and must be recorded. The provision also requires the location of the meeting to be set up to provide two-way communication during the entire conference call and the identity of each party to the conference call to be clearly stated prior to speaking.<sup>150</sup>

#### **Posting of Emergency Meetings:**

These rules affect the timing and content of the notice but not its physical location. Section 551.045 provides:

- b) An emergency or an urgent public necessity exists only if immediate action is required of a governmental body because of:
  - 1) an imminent threat to public health and safety; or
  - 2) **a reasonably unforeseeable situation.**
- c) The governmental body shall clearly identify the emergency or urgent public necessity in the notice or **supplemental notice** under this section.
- d) A person who is designated or authorized to post notice of a meeting by a governmental body under this subchapter shall post the notice taking at face value the governmental body’s stated reason for the emergency or urgent public necessity.

<sup>147</sup> See generally Hitt, 687 S.W.2d at 796; Elizondo v. Williams, 643 S.W.2d 765, 766–67 (Tex. App.—San Antonio 1982, no writ) (telephone meetings); Tex. Att’y Gen. Op. No. DM-207 (1993) at 3 (videoconference meeting). But see Harris Cnty. Emergency Serv. Dist. No. 1 v. Harris Cnty. Emergency Corps, 999 S.W.2d 163, 169 (Tex. App.—Houston [14th Dist.] 1999, no pet.) (concluding that telephone discussion by fewer than a quorum of board members about placing items on the agenda, without evidence of intent, did not violate Act).

<sup>148</sup> TEX. GOV’T CODE ANN. §§ 551.121–.126 (authorizing meetings by telephone conference call under specified circumstances).

<sup>149</sup> Id. § 551.125(b). See Tex. Att’y Gen. Op. No. GA-0379 (2005) at 2–3 (addressing Government Code section 551.125(b)(3)).

<sup>150</sup> TEX. GOV’T CODE ANN. § 551.125(b)–(f).

STUDENT ALTERNATIVES PROGRAM, INC.

**EMERGENCY SPECIAL CALLED MEETING OF THE CHARTER HOLDER BOARD OF DIRECTORS**

San Antonio-Central Administrative Office  
1218 S. Presa • San Antonio, Texas 78210 • 210-227-0295

TUESDAY, MAY 23, 2017 @ 3:00PM CST

**AGENDA**

#	AGENDA ITEM	PURPOSE [TO]	WHO	MATERIALS	TIME
1	Convene the Meeting of the Charter Holder Board of Directors	<b>SAPI Board</b> -Convene	David Ojeda Jr., Chairperson	Agenda	3 MIN
2	Roll Call to Determine Charter Holder Board Members Present and Establishment of a Quorum for Board of Directors	<b>SAPI Board</b> -Convene	Janie Villa, Vice Chair	<b>SAPI</b> Roll Call Sheet	3 MIN
3	Open Forum	Open Meeting to the Public	David Ojeda Jr., Chairperson	Forum Sign-In Sheets	OPEN
<b>CHARTER PROGRAM</b>					
#	AGENDA ITEM	PURPOSE [TO]	WHO	MATERIALS	TIME
4	Report on May 21, 2017 Storm Damage to GWA-Townlake Campus	Report	Frances Berrones-Johnson Superintendent/CEO	Verbal Report	10 MIN
5	Resolution Declaring Emergency at GWA-Townlake Campus. for Bidding Purposes	Review and Approve [ <b>SAPI Board-Vote</b> ]	Frances Berrones-Johnson Superintendent/CEO	Resolution	10 MIN
6	The unanticipated situation may require that we relocate the campus on a temporary basis if need be to the Charter District Auditorium located at 1600 Clark Blvd. Laredo, TX 78041. This accommodation can be made to facilitate making up a minimum of two days for attendance purposes.	Review and Approve [ <b>SAPI Board-Vote</b> ]	Frances Berrones-Johnson Superintendent/CEO	Verbal Report	10 MIN

**STUDENT ALTERNATIVES PROGRAM, INC.**

<b>OTHER BUSINESS</b>					
<b>#</b>	<b>AGENDA ITEM</b>	<b>PURPOSE [TO]</b>	<b>WHO</b>	<b>MATERIALS</b>	<b>TIME</b>
7	<p>Summary: An emergency or urgent public necessity exists that requires immediate action of the Board that resulted from a reasonably unforeseeable situation, as follows:</p> <p>On May 21, 2017 a severe storm struck the vicinity of the GWA-Townlake campus causing extensive roof, structural and interior damage to the property. Many other facilities in the vicinity were also damaged by the storm. The storm and damage was unforeseeable but emergency repairs are necessary to return the facility to school service and to prevent against further damage to the public property. This situation was unanticipated and reasonably unforeseeable but requires immediate board action. This emergency agenda and notice is made in accordance with the Texas Open Meetings Act.</p>	Report	David Ojeda Jr., Chairperson	Note Time of Adjournment	10 MIN
8	Adjournment	<b>SAPI Board-Vote</b>	David Ojeda Jr., Chairperson	Note Time of Adjournment	