

MINUTES OF THE AD HOC COMMITTEE MEETING
OF THE BOARD OF REGENTS OF THE DEL MAR COLLEGE DISTRICT
June 7, 2004

The Ad Hoc Committee Meeting of the Board of Regents of the Del Mar College District convened in the Isensee Board Room, Harvin Student Center, Del Mar College East Campus, Baldwin and Ayers, Corpus Christi, Texas, at 1:00 p.m. on Monday, June 7, 2004, with the following present:

From the Committee:

Mrs. Minnie Arriaga, Chairperson; Mrs. Chris Adler, Mrs. Dorothy Spann, and Mr. Dusty Finch.

From the Board:

None.

From the College:

Dr. Carlos Garcia, College President; Mr. Jose Alaniz, Vice President, Business and Finance; Mrs. Vickie Natale, Dean of Administrative Services; Ms. Barbara Kimball, Assistant to the Vice President for Business Services; and other administrators, faculty, and staff.

From the Attorney's Office:

Mr. Stephen Hilmy.

Others:

None.

CALL TO ORDER/QUORUM CALL/MOMENT OF SILENCE

Ms. Minnie Arriaga, chairperson of the Committee, presided and called the meeting to order. With a quorum present, she requested a moment of silence.

PUBLIC COMMENTS—3 minutes

No one signed up or requested to address the Committee.

REQUESTS FOR QUALIFICATIONS FOR LEGAL SERVICES (#1)

Mrs. Arriaga announced that the Committee was formed to address the question of whether the College should hire in-house legal counsel versus outside legal counsel. There was a brief discussion on what should be discussed in open session. Mrs. Arriaga told the Committee that, related to the in-house legal counsel job applications, the Committee would discuss them in closed session and the responses to the RFQs in open session. She informed them that in their process of reviewing the two options, they would consider the costs associated with each, benefits, and the type of applications received. Mr. Jose Alaniz provided information on the estimated costs:

- \$200,000 - \$250,000 for in-house legal counsel costs, which varied depending on the level of experience: attorney, \$60,000 - \$100,000 per year; clerical/legal assistant support, \$30,000 - \$45,000 per year; office operations, \$15,000 per year, including travel, supplies, furniture and equipment.

Mr. Alaniz explained to the Committee that with the present legal firm used by the College, legal counsel is provided according to the subject area. At times such as EEOC cases, the insurance company may assign an attorney, or permit the College to use their own legal counsel. If handled by the College and the case goes to court, a trial lawyer would need to be hired. Mr. Alaniz pointed out that it depends on how the relationship is structured. He stated that the present firm had many years of experience with educational institutions, and pointed out the four types of advice received from legal counsel: business, other general administrative (Board matters), personnel, and real estate. Mr. Alaniz told the Committee that legal counsel is used to advise the Board, and administration communicates with legal counsel on a day-to-day basis for clarification of law. The current firm provides a discount for services, but the services can be discontinued at any time. He informed them of the possibility of requesting legal representation from different firms subject to their expertise in that particular area.

Mrs. Arriaga requested information on the types of day-to-day business that would require legal advice. Mr. Alaniz pointed out that the College has a protocol for legal advice: it is requested through the President, Mr. Alaniz' office, or the other two vice presidents, and the EEOC officer. Mr. Alaniz stated that all other individuals who have legal concerns contact his office. He explained that his office will research some matters and not call the attorney, such as contacting the Secretary of State Elections Division for the petition issues. The attorney is contacted for issues related to FERPA, laws pertaining to faculty instruction, personnel matters, contract issues, EEOC claims and lawsuits. Mrs. Adler expressed concern with the \$250,000 estimate for a start-up cost to set up an in-house office. Mrs. Arriaga pointed out that an attorney needs to stay up-to-date on issues, especially those pertaining to personnel. Mr. Dusty Finch maintained that the Human Resources office conducts employee benefits training and handles other personnel issues, and will contact legal counsel only when needed. Mrs. Spann suggested discussing the start-up costs in closed session, but any discussion on the outside firms could be done in open session.

CLOSED SESSION—EMPLOYMENT APPLICATIONS FOR IN-HOUSE LEGAL COUNSEL (#2)

Mrs. Arriaga announced that the Committee would enter into closed session in accordance with Section 551.074 of the Government Code beginning at 1:48 p.m. The Committee ended closed session and reconvened at 2:45 p.m.

It was the consensus of the Committee to continue screening the applications for in-house legal counsel, and due to the low response to the Requests for Qualifications for legal services, re-advertise the RFQ for 30 additional days.

CALENDARING (5)

Ad Hoc Committee meeting, June 15, 2004; 1:00 p.m.

With no further business, the meeting adjourned at 2:47 p.m.