

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF REGENTS OF THE DEL MAR COLLEGE DISTRICT

November 13, 2007

The Regular 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, Corpus Christi, Texas, at 1:00 p.m. on Tuesday, November 13, 2007 with the following present:

From the Board:

Mrs. Chris Adler, Board Chair, Ms. Minerva Arriaga, Mr. James B. Boggs, Dr. Haysam Dawod, Ms. Elva Estrada, Mr. Bill Martin, Mr. Trey McCampbell, Mr. Gabriel Rivas III, and Mr. Guy Watts.

From the College:

Travis P. Kirkland, Ph.D., Interim College President, Mr. Joe Alaniz, Vice President, Business and Finance; Ms. Marjorie Villani, Interim Vice President of Instruction; Blanca "Rosie" Garcia, Ph.D., Consulting Vice President; Mr. José Rivera, Vice President of Student Development; Ms. Vickie Natale, Dean of Administrative Services; Mrs. Susie Kaspar, Executive Administrative Assistant to the President; Mr. Mike Westergren, In-House Counsel, and other administrators, faculty and staff.

From the Attorney's Office:

Mr. Augustin Rivera, Jr.

CALL TO ORDER/QUORUM CALL/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Mrs. Chris Adler called the meeting to order, and with a quorum present, requested a moment of silence followed by the Pledge of Allegiance.

COMMITTEE REPORTS

Joint Meeting of Buildings and Grounds Committee (Mr. Bill Martin, Chair) **and Finance Committee** (Mr. Trey McCampbell, Chair)

REGENTS' REPORTS AND COMMENTS

None.

COLLEGE PRESIDENT'S COMMENTS

PENDING BUSINESS

The Board reviewed the pending business.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

1. Approval of Minutes:
Called Meeting - August 7, 2007
Called Meeting - August 27, 2007
Called Meeting - August 31, 2007
Called Meeting - September 4, 2007
Regular Meeting - September 11, 2007
Regular Meeting - October 9, 2007

Mr. Watts made a motion, seconded by Mr. Martin, to approve the referenced minutes. There being no public comments, a roll-call vote was taken, and the motion carried unanimously, with the exception of Mr. Rivas' abstention on the August 7, 2007 vote since he was not a Regent at that time.

The Board entered into closed session at 1:28 p.m. and reconvened in open session at 1:31 p.m. No action was taken.

2. Discussion and possible action related to request from delinquent tax attorney for approval of tax foreclosure auction of resale properties.

Mr. Marvin Leary, with Linebarger Grogan Blair & Sampson, LLP, brought for consideration offers made for five tax resale properties. He responded to questions of the Regents.

Mr. Rivas made a motion, seconded by Mr. Martin, to approve offers on the five tax resale properties. There being no public comments, a roll-call vote was taken, and the motion carried unanimously.

3. Discussion and possible action related to participation in the Trident Risk Pool, an interlocal agreement related to purchase of insurance coverage.

Mr. Alaniz explained the interlocal agreement will allow the College to enter into a risk pool with Paducah ISD and Seymour ISD. He responded to questions of the Regents.

Mr. Martin made a motion, seconded by Dr. Dawod, to approve participation in the Trident Risk Pool. There being no public comments, a roll-call vote was taken, and the motion carried unanimously.

4. Public hearing related to the granting of exemption for goods-in-transit as per provisions of HB 621.

Mr. Alaniz explained that HB 621 was recently passed to provide a tax exemption from certain personal property held temporarily at a location for assembling, storing, processing or fabricating purposes (goods-in-transit). He noted the cost to the College District, at approximately \$5,000 now, could increase significantly over time. He explained the majority of college districts have opted not to grant the exemption.

Mr. McCampbell made a motion, seconded by Mrs. Arriaga, to open the public hearing. A roll-call vote was taken, and the motion passed unanimously.

There were no public comments. Mr. Alaniz responded to the Regents' questions. Mrs. Adler then declared the hearing closed.

5. Discussion and possible action related to a resolution to tax tangible, personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253.

Mr. Alaniz read aloud the proposed resolution.

Mr. McCampbell made a motion, seconded by Mr. Martin, to approve the proposed resolution as read. There being no public comments, a roll-call vote was taken, and the motion passed unanimously.

6. Discussion and possible action related to resolution authorizing the issuance of Del Mar College District Limited Tax Refunding Bonds, Series 2007, approving and authorizing the execution of an escrow agreement, a paying agent/registrar agreement, a purchase contract and other instruments and procedures related thereto, delegating authority to the chair of the Board of Regents and the Vice President of Business and Finance to select outstanding bonds to be refunded and approve all final terms of the bonds, approving an official statement, and calling certain bonds for redemption.

Mr. Alaniz explained the agenda item was a follow-up to Estrada Hinojosa's presentation of a plan of financing at the last Board meeting. He said the College is requesting authorization to call \$9 million in bonds from the 2003 issuance and perform a bank-qualified transaction. He then introduced Mr. Tom Spurgeon, bond counsel for the College District. Mr. Spurgeon stated the issuance of refunding bonds will help reduce the College tax rate and save money on debt service. He stated the resolution establishes that authorization.

To allow time for copies to be made for the Board, items 6 and 7 were delayed until after action on agenda 13.

Mr. Alaniz stated the issuance will yield a savings of \$400,000. He and Mr. Spurgeon responded to questions of the Board.

Mr. Rivas made a motion, seconded by Mr. Martin, to approve the proposed resolution as stated. There being no public comments, a roll-call vote was taken, and the motion passed unanimously by Regents present (Mr. Watts had left the meeting).

7. Discussion and possible action related to resolution expressing official intent to reimburse with tax-exempt obligation proceeds costs to acquire certain items of personal property.

Mr. Alaniz explained the item deals with the equipment lease authorized by the Board in 2003 when the bonds were first sold. The authorization was for \$7.5 million; \$2.5 has been used for West Campus needs. He requested the Board approve the resolution to allow the College to reimburse itself for expenditures of equipment that will occur. He stated the College is deferring the execution on the new phase of the lease process to 2008. Mr. Alaniz also noted the resolution is for IRS purposes and stated that all the documents have been reviewed by bond counsel.

Mr. Rivas made a motion, seconded by Dr. Dawod, to approve the proposed resolution as stated. There being no public comments, a roll-call vote was taken, and the motion passed unanimously by Regents present (Mr. Watts was not present).

8. Discussion and possible action related to resolution(s) of the Del Mar College Board of Regents in response to the restoration of employee benefits funding for Texas Community Colleges.

Ms. Claudia Jackson read the proposed resolution. Mrs. Adler requested the resolution be executed by the entire Board and then framed. She thanked the local legislators who were instrumental in efforts to restore the vetoed funding. She announced Board members will travel to Austin the next day to discuss organization of Texas trustees and noted the Governor's veto had brought significant attention to the purpose of Texas community colleges.

Mr. Watts made a motion, seconded by Dr. Dawod, to approve the proposed resolution, and additionally to send the resolution to Representatives Juan M. Escobar and Yvonne Gonzalez Toureilles. There being no public comments, a roll-call vote was taken, and the motion passed unanimously.

9. Discussion and possible recommendation related to report and approval of new program: Biotechnology Associate of Applied Science.

Mr. Rivas left the meeting at 2:05 p.m.

Mrs. Estrada made a motion, seconded by Mrs. Arriaga, to approve the Biotechnology Associate of Applied Science. There being no public comments, a roll-call vote was taken, and the motion passed unanimously by the Regents present. (Mr. Rivas was not present during the vote.)

10. Discussion and possible recommendation related to report and approval of new program: Biotechnology Certificate.

Mr. McCampbell made a motion, seconded by Mr. Martin, to approve the Biotechnology Certificate. There being no public comments, a roll-call vote was taken, and the motion passed unanimously by the Regents present. (Mr. Rivas was not present during the vote.)

11. Discussion and possible recommendation related to report and approval of new program: Sound Recording Technology Associate of Applied Science.

Ms. Estrada made a motion, seconded by Mr. Watts, to approve the Sound Recording Technology Associate of Applied Science. There being no public comments, a roll-call vote was taken, and the motion passed unanimously by the Regents present. (Mr. Rivas was not present during the vote.)

12. Discussion and possible recommendation related to report and approval of new program: Sound Recording Business Certificate.

Ms. Estrada made a motion, seconded by Mr. Watts, to approve the Sound Recording Business Certificate. There being no public comments, a roll-call vote was taken, and the motion passed unanimously by the Regents present. (Mr. Rivas was not present during the vote.)

13. Discussion and possible action related to proposed Board Policy *B2.5 Shared Governance*.

Mrs. Adler called on Faculty Council President Steven Ondrejas to make a presentation on behalf of the Faculty Council.

Mr. Ondrejas reported the Faculty Council had extensively reviewed the proposed policy on shared governance and other proposed policy revisions. He stated the

council voted not to concur with any of the proposals.

Mr. Rivas returned to the meeting at 2:18 p.m.

Mr. Ondrejas responded to questions from the Board as to the Faculty Council's review and consideration of the proposed policies. He stressed that the faculty needed more time to study the proposed policies.

Mr. Ondrejas expressed opposition to moving the Faculty Council solely under the President's authority with concerns of loss of access to the Board. Dr. Kirkland responded that anyone can come before the Board to comment on any matter.

Mr. Ondrejas expressed concern that lower-income employees and students would be intimidated by the establishment of a fee for personnel time over 36 hours in responding to Open Records requests. Mrs. Arriaga suggested that an interested person could ask the cost prior to requesting the work be done.

Mr. Ondrejas stated tenure linked with promotion helps recruit high-quality faculty. Mrs. Adler clarified that every person tenured or on tenure-track is grandfathered.

Dr. Kirkland explained a tenure process is in place, and an ad hoc committee is working on tenure and promotion processes.

Mrs. Adler called for public comments. The following individuals expressed concern regarding the proposed policies:

Susie Luna-Saldana, taxpayer
Jennifer Yanez, student
Loyd Poplin, faculty
Mary Kay, faculty
Sem Esquivel, SGA officer
Kelly Stewart, student
Ralph Ramirez, former student
Elizabeth Flores, faculty
Ed Cohn, faculty
Mary Ann Williams, faculty
Robert Bridwell, faculty
Robert Heil, attorney
Cheryl Pfoff, faculty
Lenora Keas, faculty
Exie Hall, faculty
John Crisp, faculty

Mrs. Adler announced the Board would recess at 3:42 p.m. The Board reconvened at 3:48 p.m. and addressed items 6 and 7. (See above.)

Returning to the subject of proposed policy changes, Interim President Kirkland provided a PowerPoint presentation. He stated that community colleges address expectations from Congress and SACS recommendations, as well as dealing with accountability and measuring learning. He stated the policy review process is a "funnel" that allows everyone an opportunity to contribute. Dr. Kirkland commended the support and participation of administrators and faculty. He reiterated that there is no hidden agenda to abolish tenure, and explained that decoupling will create a more credible tenure status. He stated that during the previous week, he had sent letters to tenured and tenure-track faculty confirming that their tenure status will remain unchanged.

Dr. Kirkland reported that he had appointed three ad hoc committees to address policy concerning (1) Faculty Evaluation, (2) Tenure Process (3) Post-tenure Review. He stated that the College needs a statement of shared governance. SACS requires it. If the Board elects to revise the statement later, it can do so. The President stated that the proposals clarify, rather than diminish, the role of faculty, noting that confusion in roles has led to some recent concerns.

Dr. Kirkland stated that the College reaches generations into the future. He stated, "Del Mar College is an outstanding community college. If we're that good, why wouldn't we want to be even better?" He emphasized the need to ensure faculty maintain and continue their skills in a rapidly changing world. He also commented that Collin County Community College, Austin Community College, Dallas Community College, and the Houston Community College System do not have tenure. To suggest they are mediocre would be incorrect.

Responding to Regents' questions, Dr. Kirkland reported that the work of the three ad hoc committees will come back to the Board.

The Board discussed the faculty's concern regarding the short time frame for submitting input to proposed policy changes. Mr. McCampbell stated that Dr. Kirkland was following the expectations document and time frame for reporting to the Board.

The Board members discussed allowing additional time for college review and input before taking action on the referenced policy proposals.

Mrs. Adler asked Dr. Bertie Almendarez, Chair of Chairs Council, to speak. Dr. Almendarez spoke to the difficulty of a short time frame for the Chairs to further

review the proposed policy revisions.

Dr. Dawod made a motion, seconded by Mr. Martin, to set a deadline of January 22, 2008 to vote on agenda items 13, 14 and 16. There being no public comments, a roll-call vote was taken, and Regents Arriaga, Boggs, Dawod, Estrada, Martin, Rivas and Watts voted in favor; Regents Adler and McCampbell voted against.

14. Discussion and possible action related to proposed revision(s) to Board Policy *B2.4 Standing Committees, Cabinets, and Councils*.

See action on Item 13.

15. Discussion and possible action related to proposed revision(s) to Board Policy *B4.29 Open Records*.

Mrs. Arriaga made a motion, seconded by Dr. Dawod, to approve the proposed revision(s) to Board Policy *B4.29 Open Records*. There being no public comments, a roll-call vote was taken, and the motion passed unanimously.

16. Discussion and possible action related to proposed revision(s) to *A6.4.4 Promotion and Tenure* and Board Policy *B6.5 Tenure*.

See action on Item 13.

17. Acceptance of Investments for October 2007.

Mr. Alaniz presented the Investments report for October 2007.

McCampbell made a motion, seconded by Dr. Dawod, to accept the

Investments for October 2007. There being no public comments, a roll-call vote was taken, and the motion passed unanimously by the Regents present. (Mr. Martin was not present during the vote.)

18. Acceptance of Financial Statement for September 2007.

Mr. Alaniz presented the Financial Statement for September 2007 and responded to questions of the Regents.

Mr. Watts made a motion, seconded by Dr. Dawod, to accept the Financial Statement for September 2007. There being no public comments, a roll-call vote was taken, and the motion passed unanimously.

19. CLOSED SESSION pursuant to TEX. GOy"TCODE § 551.071 (Consultation with legal counsel), regarding pending or contemplated litigation; or a settlement offer; including a) Cause No. D-I-GN-06002524, *Theresa E. Cox v. Del Mar College District alk/a Del Mar College*, 53rd Judicial District, Travis County, Texas; and, b) Cause No. 07-6055-F, *Del Mar College American Association of University Professors, et al. v. Travis Kirkland, et al.*, 214th Judicial District Court, Nueces County, Texas, with possible discussion and action in open session; and, the seeking of legal advice from counsel, with possible discussion and action in open session.

The Board entered into closed session at 5:30 p.m.

Mr. Watts left the meeting at 5:31 p.m.

The Board reconvened in open session at 6:05 p.m. No action was taken.

PUBLIC COMMENTS (Non-Agenda Items) - 3-minute time limit

Ms. Lisa Hancock read a letter from Mr. Jay Wise regarding an administrative issue.

CALENDAR: Discussion and possible action related to calendaring dates

December regular meeting - December 4 (moved from December 11)

Audit Committee meeting and called meeting set tentatively for December 17. Mr. Alaniz will confirm.

ADJOURNMENT

Mrs. Adler adjourned the meeting at 6:08 p.m.