

January 28, 2022

BOARD OF REGENTS' WORKSHOP

The **Workshop** of the Board of Regents of the Del Mar College District will convene at **11:00 a.m., Tuesday, February 1, 2022**, at the Center for Economic Development, 3209 S. Staples, Room 106, Corpus Christi, Texas.

WORKSHOP AGENDA

CALL TO ORDER

QUORUM CALL

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

DMC VISION STATEMENT: *Del Mar College will be the premier choice for life-changing educational opportunities, provided by responsive, innovative faculty and staff who empower students to improve local and global communities.*

Del Mar College is streaming live audio and video from the official Board of Regents meetings on the College's website in real-time, with the exception of portions of the meeting considered as "closed session" by statute.

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

- Specific public comments will be allowed on agenda items prior to action by the Board.
- General Public Comments may be moved on the agenda at the discretion of the Board Chair and as an accommodation to those in attendance.
- Pursuant to the Texas Open Meetings Act, the College is limited in responding to public comments or inquiries as follows:
 1. Provide a statement of specific factual information in response to an inquiry.
 2. Recite existing policy in response to an inquiry.
 3. Propose placing the subject of the inquiry on the agenda for a subsequent meeting.

(Tex. Govt. Code Section 551.042)

ITEMS OF BUSINESS:

1. Discussion and possible action related to 2022 redistricting project, including, development of proposed illustrative redistricting plan, logistics, timeline, and other related mattersMr. Augustin Rivera, Jr.
(Goal 5: Workforce Development, Community Partnerships, and Advocacy)

Public comments for this agenda item

2. Discussion related to Annual Ethics Update.....Mr. Augustin Rivera, Jr.
(Goal 5: Workforce Development, Community Partnerships, and Advocacy)

Public comments for this agenda item

3. CLOSED SESSION pursuant to:

- A. **TEX. GOV'T CODE § 551.071:** (Consultation with Legal Counsel), regarding pending or contemplated litigation, or a settlement offer, with possible discussion and action in open session; and the seeking of legal advice from counsel on pending legal or contemplated matters or claims, including, legal redistricting obligations and legal audit questions, with possible discussion and action in open session; and,
- B. **TEX. GOV'T CODE § 551.074(a)(1):** (Personnel Matters), regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; including, Annual Board Self-Evaluation and Board Action Plan, with possible discussion and action in open session.

CALENDAR: Discussion and possible action related to calendaring dates.

ADJOURNMENT

PUBLIC NOTICE is given that the Board may elect to go into executive session at any time during the meeting in order to discuss matters listed on the agenda, when authorized by the provisions of the Open Meetings Act, Chapter 551, of Texas Government Code.

Item 1



DEL MAR COLLEGE

OFFICE OF GENERAL COUNSEL

DATE: January 28, 2022

TO: Board of Regents College
President and CEO

FROM: Augustin Rivera, Jr.
General Counsel

RE: 2021-22 Del Mar College Redistricting Process

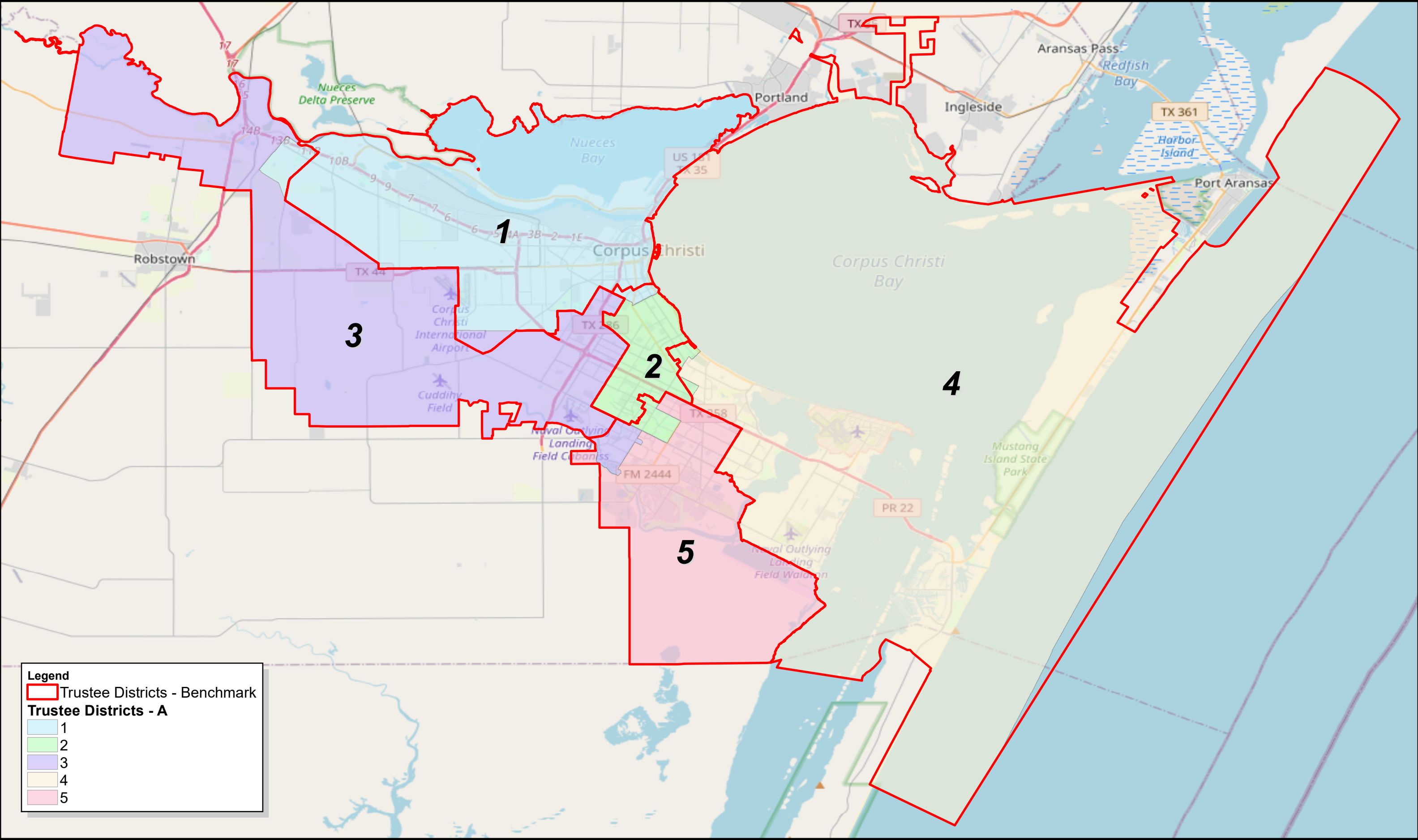
SUMMARY:

As reported to the Board by the College's outside Redistricting Counsel ("Counsel") at the December 14, 2021 DMC Board of Regents meeting, an initial assessment of the results of the 2020 U.S. Census showed that the current DMC single-member regent districts are sufficiently out of population balance to require the re-drawing and balancing of the district boundaries ("redistricting"). Counsel also provided the Board with a legal overview of the redistricting process and the Board adopted specific criteria and guidelines for use in determining how the DMC single-member regent district boundaries should be balanced and drawn.

The next step in the redistricting process is for the Board to develop a proposed illustrative redistricting plan for further consideration by the Board and for public comment. Counsel has prepared two different plans (A and B) for discussion by the Board and will be present at the meeting to present the plans, help facilitate the Board's discussion, and answer any questions. In addition, Counsel's GIS technician will be available remotely to assist with making any suggested changes to the proposed maps in real-time for viewing by the Board.

LIST OF SUPPORTING DOCUMENTS:

1. DMC Plan A Map
2. DMC Plan A Summary (2020 Census Voting Age Population)
3. DMC Plan B Map
4. DMC Plan B Summary (2020 Census Voting Age Population)
5. Order Adopting Criteria for Use in 2021 Redistricting
6. Guidelines for Submitting Specific Redistricting Proposals and Providing Comments



**Del Mar College Trustee Districts
Draft Plan A**



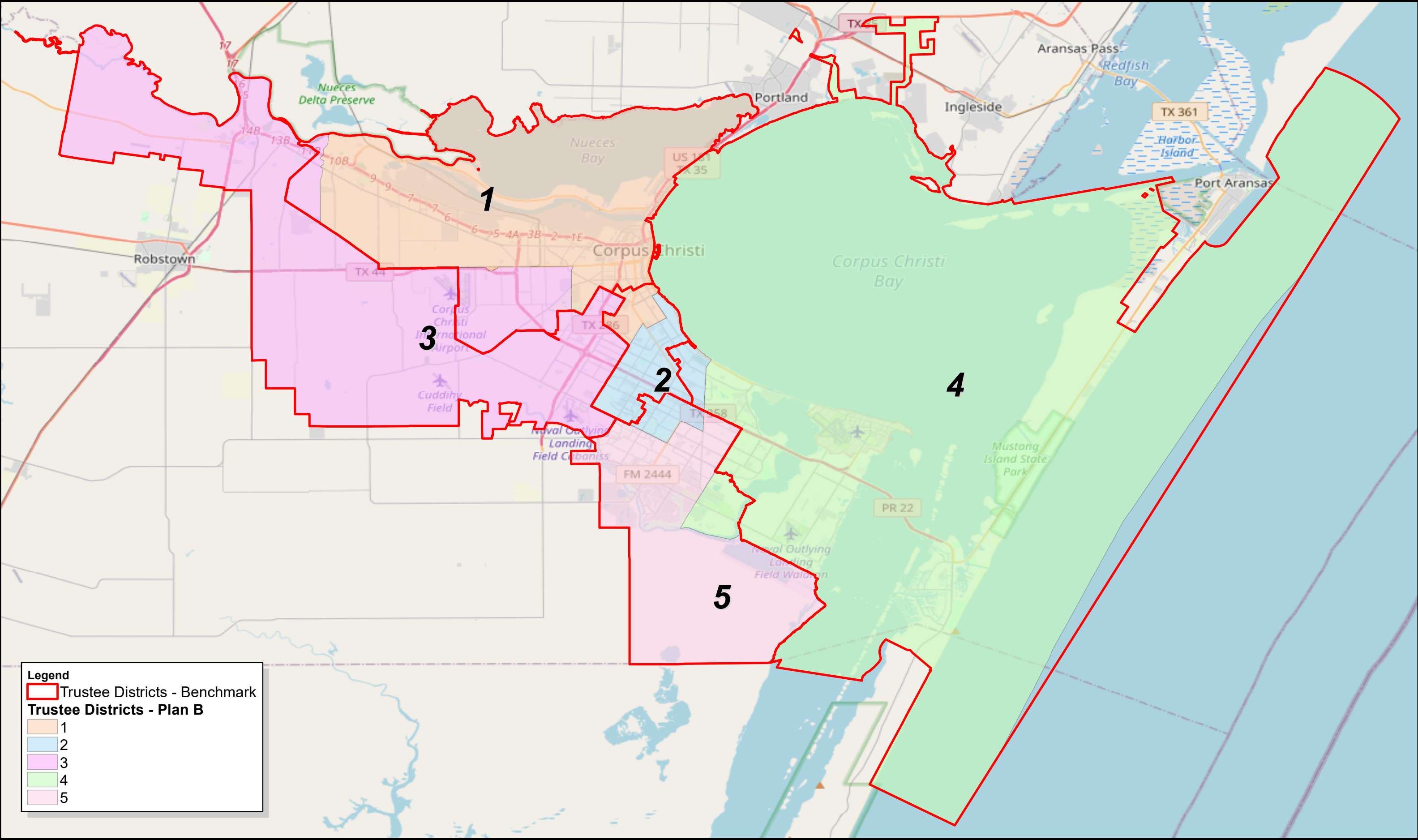
Demographics Report - Summary 2020 Census Voting Age Population

Plan Last Edited on: 1/24/2022 3:31:04 PM

District	Total VAP*		Hispanic % of Total VAP	Non-Hispanic Anglo % of Total VAP	Non-Hispanic Black % of Total VAP	Non-Hispanic Asian % of Total VAP	Non-Hispanic Other % of Total VAP
1	48,463		68.43%	24.80%	4.15%	0.63%	2.00%
2	49,516		63.92%	28.73%	3.75%	1.19%	2.41%
3	46,889		69.86%	23.09%	3.79%	1.47%	1.78%
4	52,596		35.93%	52.30%	4.27%	3.34%	4.16%
5	48,908		50.93%	36.21%	4.28%	5.50%	3.07%
	246,372		57.38%	33.40%	4.05%	2.45%	2.71%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.



**Del Mar College Trustee Districts
Draft Plan B**



Demographics Report - Summary 2020 Census Voting Age Population

Plan Last Edited on: 1/24/2022 3:22:31 PM

District	Total VAP*		Hispanic % of Total VAP	Non-Hispanic Anglo % of Total VAP	Non-Hispanic Black % of Total VAP	Non-Hispanic Asian % of Total VAP	Non-Hispanic Other % of Total VAP
1	48,092		70.22%	23.28%	3.86%	0.64%	2.00%
2	49,073		61.59%	30.61%	3.90%	1.35%	2.55%
3	47,382		71.32%	22.51%	3.65%	0.84%	1.68%
4	52,434		35.03%	52.61%	4.44%	3.80%	4.12%
5	49,391		51.07%	36.09%	4.37%	5.41%	3.06%
	246,372		57.38%	33.40%	4.05%	2.45%	2.71%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

ORDER NO. _____

THE STATE OF TEXAS §
 §
DEL MAR COLLEGE DISTRICT §

**ORDER ADOPTING CRITERIA
FOR USE IN 2021 REDISTRICTING PROCESS**

WHEREAS, this Board of Trustees has certain responsibilities for redistricting under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, U.S.C.A.; section 2 of the Voting Rights Act, 52 U.S.C.A. §10301; and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002; and

WHEREAS, a review of the 2020 census data reveals that a population imbalance exists among the College's trustee districts requiring redistricting of those districts; and

WHEREAS, it is the intent of the District to comply with the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence; and

WHEREAS, a set of established redistricting criteria will serve as a framework to guide the College in the formulation and consideration of districting plans; and

WHEREAS, redistricting criteria will provide the College a means by which to evaluate proposed plans; and

WHEREAS, redistricting criteria will assist the College in its efforts to comply with all applicable federal and state laws;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the College, in its adoption of a redistricting plan for trustee districts, will adhere to the following criteria to the greatest extent possible when establishing new trustee district boundaries:

To the extent practicable:

1. Easily identifiable geographic boundaries should be followed.
2. Communities of interest should be maintained in a single district, and attempts should be made to avoid splitting neighborhoods.
3. Trustee districts should be composed of whole voting precincts where practicable. Where this is not possible or practicable, districts should be drawn considering county election precincts. Avoid splitting census blocks unless necessary.

4. Although it is recognized that existing trustee districts will have to be altered to reflect new population distribution in the College, any districting plan should be based on existing districts.
5. Districts must be configured so that they are relatively equal in total population according to the 2020 federal census. In no event should the total population deviation between the largest and the smallest district exceed ten percent as compared to the ideal precinct size.
6. The districts should be compact and composed of contiguous territory. Compactness may contain a functional, as well as a geographical, dimension.
7. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
8. The plan should be narrowly tailored to avoid racial gerrymandering in violation of *Shaw v. Reno*.
9. The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting or otherwise discriminate against protected groups so as to create liability under the Voting Rights Act.

The Board of Trustees will review all plans considering these criteria and will evaluate how well each plan conforms to the criteria.

Any plan submitted to the Board by a citizen for its consideration should be a complete plan—*i.e.*, it should include all 9 trustee districts and should redistrict the entire College. The Board of Trustees may decline to consider any plan that is not a complete plan.

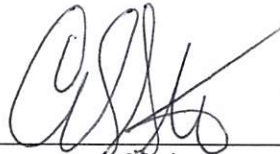
All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the Board of Trustees should conform to these criteria.

This resolution shall be effective upon passage by the Board of Trustees.

BE IT SO ORDERED.

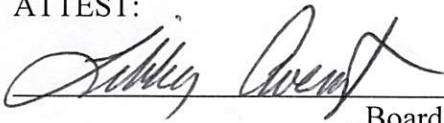
Adopted on this 14th day of December 2021.

DEL MAR COLLEGE DISTRICT



_____, Chair

ATTEST:



_____, Board Secretary

ORDER NO. _____

THE STATE OF TEXAS

§

§

DEL MAR COLLEGE DISTRICT

§

**GUIDELINES FOR PERSONS SUBMITTING
SPECIFIC REDISTRICTING PROPOSALS
AND PROVIDING COMMENTS**

WHEREAS, this Board of Trustees has certain responsibilities for redistricting the College's trustee districts under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, U.S.C.A. and Section 2 of the Voting Rights Act, 52 U.S.C.A. §10301; and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002; and

WHEREAS, it is necessary to provide for the orderly consideration and evaluation of redistricting plans which may come before the Board; and

WHEREAS, these guidelines relate to persons who have specific redistricting plans they wish the Board to consider; and

WHEREAS, the Board also welcomes any comments relevant to the redistricting process;

NOW, THEREFORE, BE IT RESOLVED that, in order to make sure that any comments regarding the redistricting process and any redistricting plan that might be submitted are of maximum assistance to the Board in its decision-making process, the Board hereby sets the following guidelines to be followed by each person submitting a comment or a redistricting plan for consideration:

1. Proposed plans must be submitted in writing and be legible. If a plan is submitted orally, there is significant opportunity for misunderstanding, and it is possible that errors may be made in analyzing it. The Board wants to be sure that all proposals are fully and accurately considered.
2. Any plan must show the total population and voting age population for African-Americans, Hispanics, Asians, and Anglo/Other for each proposed commissioner precinct based on the 2020 Census Data. If a plan is submitted without a population breakdown, the Board may not have sufficient information to give it full consideration.
3. Plans should redistrict the entire College. The Board will be considering the effect of any plan on the entire College. Any plan is subject to the Voting Rights Act, which protects various racial and language minorities. Thus, as a matter of federal law, the Board will be required to consider the effect of any proposal on multiple racial and ethnic groups. If a plan does not redistrict the entire College,

it may be impossible for the Board to assess its impact on one or more protected minority groups.

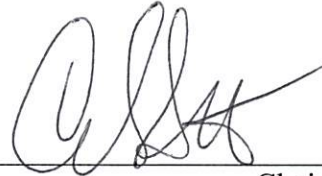
4. Plans should conform to the redistricting criteria the Board will be using in drawing the trustee districts.
5. Comments must be submitted in writing and be legible, even if the person also makes the comments orally at a public hearing.
6. Persons providing comments and those submitting proposed plans must identify themselves by full name and home address and provide a phone number and, if available, an email address. The Board may wish to follow up on such comments or obtain additional information about submitted plans.
7. All comments and proposed plans must be submitted to the Board of Trustees by the close of the public hearing.

This resolution shall be effective upon passage by the Board of Trustees.

BE IT SO ORDERED.

Adopted on this 14th day of December 2021.

DEL MAR COLLEGE DISTRICT



_____, Chair

ATTEST:



_____, Board Secretary


Item 2


DEL MAR COLLEGE

OFFICE OF GENERAL COUNSEL

DATE: January 28, 2022

TO: Board of Regents
College President and CEO

FROM: Augustin Rivera, Jr. 
General Counsel

RE: Annual Board Ethics Update and Review

SUMMARY:

DMC General Counsel will facilitate the Board's Annual Ethics Update and Review for 2022.

BACKGROUND:

The Board renews its commitment to high ethical standards by conducting an Annual Ethics Update and Review.

In 2021, consistent with the Board's long-standing commitment to ethics, the Board approved the creation of an Ad Hoc Committee for the purpose of reviewing the Board's Bylaws and Statement of Conduct and Ethics for possible updating and revision. Regent Libby Averyt served as chair of the Ad Hoc Committee and Regents Susan Hutchinson and Laurie Turner served as the other committee members.

After dedicating substantial work and time to the project, the Ad Hoc Committee proposed additions and revisions to the Bylaws for clarity, emphasis, and improvement, and the proposed changes were ultimately approved by the Board (after deliberation) in the Fall of 2021. The approved changes included the formalizing of the Board's Annual Ethics Review and a proposed Statement of Ethical Conduct and Personal Disclosure Statement for each Regent to sign following the Ethics Review.

Attached are the approved forms for review and signature by each Regent following the Ethics update.

LIST OF SUPPORTING DOCUMENTS:

1. Del Mar College Board Bylaws and Statement of Conduct and Ethics
2. Statement of Ethical Conduct form (unsigned)
3. Personal Disclosure Statement form (unsigned)

BYLAWS
Board of Regents
Del Mar College District

The following Bylaws of the Board of Regents of the Del Mar College District provide the operational framework within which the Board shall govern and act, as well as the aspirational and legal standards by which each Board member shall conduct themselves in the performance of their duties and in representing Del Mar College. Importantly, these Bylaws include expectations of ethical behavior that are more than what is required by law. The Board of Regents acknowledges the profound importance of leading by example and with these Bylaws, endeavors to cultivate a culture of exemplary Ethics at Del Mar College.

I. BOARD DUTIES AND RESPONSIBILITIES

- A. The Board, composed of lay members, ("Board members" or "Regents"), shall exercise the traditional and time-honored role as it has evolved and shall constitute the keystone of the governance structure. In this regard, the Board:
 - 1. Is expected to preserve institutional independence and to defend its right to manage its own affairs through its chosen administrators and employees, free from any undue or improper influence.
 - 2. Shall enhance the public image of the College.
 - 3. Shall interpret the community to the College and interpret the College to the community.
 - 4. Shall nurture the College to achieve its full potential within its role and vision.
 - 5. Shall provide for financial resources to support adequately the institutional goals.
 - 6. Shall appoint the President and Chief Executive Officer (President and CEO) of the College and conduct periodic evaluations of the CEO's performance.
 - 7. Shall establish and periodically review the Vision and Mission statements of the College.
 - 8. Shall establish the College's strategic plan and goals consistent with the role and vision of the College.
- B. The Board possesses and exercises its authority and duties as a collective body and functions only when it is convened in a properly noticed meeting. Unless

specifically authorized by prior action of the Board, no individual member may speak, obligate, or exercise authority in the name of the Board.

- C. The Board functions within the framework of laws, court decisions, attorney general's opinions, and similar mandates and restrictions from external sources. It performs functions as specified by applicable laws and regulations.
- D. The Board formulates policies and delegates to the President and CEO of the College the function of administering policies and regulations. The Board is not involved in administrative details, but the Board's review of administrative procedures and regulations may be undertaken if necessary to the function of policy formulation. In the absence of appropriate policy, the President and CEO of the College may need to make decisions and exercise authority, but such actions are subject to subsequent review by the Board for determination as to the need for a policy statement.
- E. Board members may be removed from office according to Texas Constitution, Article V, Section 24; Local Government Code 87.011, 87.012, 87.013, 87.031; Education Code 4.35(b), Texas Education Code § 44.032, and Texas Education Code § 130.0845, as currently stated or as amended in the future.
- F. A Board member shall not be absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year, not counting an absence for which the member is excused by a majority vote of the board. Texas Education Code § 130.0845.
- G. If citizens bring a concern or complaint to an individual Board member, the Board member shall refer the citizen to the College President and CEO or designee, who shall proceed according to appropriate Board policy. This does not restrict the Board member from bringing the concern or complaint to the Board of Regents.
- H. Board members shall undergo training and onboarding as soon as practicable after taking office, including the training and onboarding required by law and the orientation provided by the College. See below Section VIII.
- I. While serving in office, Board members shall not accept employment, including self-employment, or engage in a business, charity, nonprofit organization, or professional activity that conflicts with or could reasonably be expected to impair the Board member's independence of judgment in the performance of official duties.
- J. Regarding Board members' expenditures and reimbursements, each member shall comply with applicable College policies and act responsibly and as good stewards of College funds.

- K. In accordance with Board Bylaws, College policy and other applicable standards, the Board shall perform an annual self-evaluation. The self-evaluation will incorporate criteria assessing Board operations and defining Board effectiveness. The Board will use the results of the self-evaluation to assess past performance and to establish goals for the future.

II. STATEMENT OF CONDUCT AND ETHICS

Each member of the Board will conduct themselves, at all times, in accordance with the highest ethical principles and shall strive to support the Mission and Vision Statement of the College and, to that end, shall adhere to the following standards:

- A. Attend and participate actively in Board meetings.
- B. Devote time, thought, and study to the duties of a Board member in order to render effective and informed service.
- C. Work with other Board members to establish effective Board policies, delegate authority for the administration of the College to the President and CEO of the College, and act on behalf of the Board only with the official authorization of a majority of the members of the Board.
- D. Make policy decisions only after full discussion at publicly held Board meetings.
- E. Base all decisions on the available facts and independent judgment, free from any undue or improper influence, and abide by and uphold the final majority decision of the Board.
- F. Avoid, during a pending bidding, solicitation, selection or appointment process, any communications with involved vendors, contractors, bidders or applicants outside of the Board established process. The Board Chair or other designee will provide information or answer questions from the public about the process.
- G. Recognize that the College adheres to the concepts of free speech and academic freedom, encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, faculty, staff, and the community, while refraining from communicating with students, staff, faculty and the community in any way which could be interpreted as having any authority outside the meetings of the Board. and refraining from any communications among a quorum of Board members outside of the Board meeting.
- H. Communicate to other Board members and the President and CEO of the College expressions of public reaction to Board policies and College programs.
- I. Work with other Board members and with the President and CEO in a spirit of harmony and cooperation and in a manner that creates and sustains mutual respect.

- J. Become informed about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by State and National Community College organizations.
- K. Support the employment of those persons best qualified to serve as College faculty and staff, insist on a regular and impartial evaluation of all faculty and staff, and respect the authority and responsibilities of College employees and external contractors to empower them to work without interference.
- L. Remember always that the first and greatest priority must be the educational welfare of the students attending the College.
- M. Avoid real or apparent conflicts of interest and refrain from engaging in any activity that could create a conflict of interest.
- N. Refrain from using the Board position for personal or partisan gain.
- O. Bring about desired changes through legal and ethical procedures, upholding and enforcing all applicable statutes, regulations, and court decisions pertaining to community colleges.
- P. Work with other Board members to establish effective policies and practices, prohibiting all forms of unlawful discrimination, including harassment, on the basis of race, color, national origin, sex, (including pregnancy, gender identity and/or expression, sexual orientation), age, disability, and/or veteran or military status.
- Q. Refrain from any attempt to influence any operational decision, including but not limited to individual admissions, personnel, or purchasing decisions except when such is a legitimate issue at a Board meeting; and no Board member shall have any communications about a grievance or complaint with any person with a pending grievance or complaint.
- R. Identify and disclose any actual or potential conflict of interest, and act for the general public good regardless of personal relationships or business interests.
- S. Refrain from suggesting or recommending subcontractors to vendors at any time.
- T. Encourage and engage in open and honest discussion in making Board decisions, respect differences of opinion, and keep an open mind until each Regent has had an opportunity to address the Board.
- U. Refrain from accepting or soliciting any gift, favor, or service that might influence or appear to influence a Regent in the performance of official duties.

- V. Maintain strict confidentiality of information (1) presented, discussed or deliberated during any Closed Board Meeting or during any Closed Board Committee Meeting; (2) proprietary to the College; or, (3) about the College not within the public domain. As fiduciaries of the College, any Regent's disclosure or misuse of this information may be considered Official Misconduct or Abuse of Office, as defined by law.
- W. Endeavor to avoid, for a period of one (1) year after leaving office, both the possibility of conflict of interest and the appearance of such conflict that would arise if the former Regent takes employment or enters into a business relationship with any vendor, contractor, company or other individual or entity, in a business relationship with the College.
- X. Conduct, with the assistance of the College's General Counsel, an Annual Ethics Update that will specifically include a review of the Board's Bylaws and Statement of Conduct and Ethics. Upon completion of the Annual Ethics Update, each Regent will prepare and file a Personal Disclosure Statement and Commitment to Ethical Conduct.
- Y. Demonstrate a personal commitment to ethical conduct by:
 - i. participating, with the assistance of the College's General Counsel, in an Annual Ethics Update with the Board that specifically includes a review of the Board's Bylaws and Statement of Conduct and Ethics.
 - ii. filing (with the DMC Office of General Counsel) a "Statement of Ethical Conduct" within 90 days of taking office and/or annually, in conjunction with the Annual Ethics Update.
 - iii. filing (with the DMC Office of General Counsel) a "Personal Disclosure Statement" listing "Sources of Occupational Income" and "Outside Positions," within 90 days of taking office and/or annually, in conjunction with the Annual Ethics Update.

III. REGENT EMAIL AND OFFICIAL COMMUNICATIONS

Members of the Board of Regents shall use Del Mar College email as their official means of communication. Members of the Board of Regents shall use their official DMC email to conduct all College business and to send and receive official communications.

Communication via the DMC employee email system is subject to the same public information, privacy, and records retention laws as other forms of communication. The Del Mar College Information Technology department will assign all Regents' official DMC email accounts and provide any necessary means to access their email accounts.

All use of official DMC email is subject to B3.23 Computer and Network Resources Use Policy and any associated administrative procedures.

Pursuant to State law and College policy, Regents are responsible for retaining all official communications related to their duties or College business, including texts, emails, social media communications, etc., regardless of whether the information is on a DMC email or device, or a personal device.

Pursuant to the records retention schedules and administrative rules issued by the Texas State Library and Archives Commission, the Board will comply with the schedules as required by State regulations. Record retention practices and time periods shall also be reviewed by the Board during the Board's Annual Ethics Update.

IV. SOCIAL MEDIA: POSTING ON PERSONAL SITES

Regents are encouraged to share DMC information and events that are a matter of public record, with the general public, including family and friends. When sharing information, Regents are encouraged to directly link to information sources as the most effective way to pass along news on personal sites.

Postings related to the College should disclose that views and opinions are the Regent's own, and not necessarily those of the College. Disclosures should be clear that the Regent is speaking for themselves and not on behalf of the College. A disclaimer, such as, "the views, opinions, conclusions and other information expressed on this social media page, are my own and not given or endorsed by Del Mar College, unless otherwise specified," may be appropriate to include in posts.

On personal sites, a Regent should identify their views are their own. If a Regent identifies their association with DMC (Regent) online, it should be clear that the views expressed are not necessarily those of the College.

The use of the Del Mar College logo, mascot, or nickname in postings may be subject to trademark law protection. The College logo or name may not be used to promote or endorse any product, cause, political party, or candidate. Regents are advised to consult with the College's General Counsel on questions for their appropriate use.

V. CONFLICTS OF INTEREST AND PROHIBITED BENEFITS

- A. Regents are public servants of the College and the State of Texas and, as such, are subject to laws that govern their conduct. The following practices are strictly prohibited: Bribery, Abuse of Office, Conflict of Interest, and Incompatibility of Office. Regents shall not accept or agree to accept, or solicit any gift, favor, service or benefit that the Regent knows, or should reasonably know, is offered with the intent to influence their decisions or actions, or may appear to influence their decisions or actions. Likewise, the Regent may not solicit, accept, or agree to

accept, any gifts, services, or other benefits from having exercised the powers and responsibilities of their official positions.

1. Regents shall not accept gifts, either in-kind or of money, from a vendor.
 - a. Gifts include any items not obviously of an advertising nature. Gifts of an advertising nature are those with the name of the firm affixed which have an estimated value of \$50.00 or less. Texas Penal Code § 36.10(a)(6).
2. Regents shall not solicit an employee for favors, services or other benefits.
3. Regents shall identify and disclose any actual or potential conflict of interest in accordance with Chapter 171 of the Texas Local Government Code and any such disclosure form shall be provided to the Board at the next scheduled meeting following the filing, and posted on the College's website.
4. Regents shall avoid a conflict of interest and the appearance of such conflict with regard to former private-sector employers, clients or close business associates for a period of one year after beginning Board service, by avoiding participation in matters likely to provide a direct and substantial benefit to former employers, clients or close business associates.

VI. REGENT MISCONDUCT

The Board has a duty to address Regent Ethical Misconduct. The Board may investigate Ethical Misconduct reports and issue sanctions in accordance with the law. "Ethical Misconduct" means violating (1) B2.1.2 Statement of Ethics, (2) Conflict-of-Interest Abstinence, (3) Disclosure Statements, (4) Prohibited Actions, or (5) engaging in "Official Misconduct" (defined below).

Regents may consult with the College's General Counsel for guidance on ethical questions related to College business.

Any person or Regent may file a written Ethical Misconduct report with the Board Chair or the Board First Vice-Chair, if the report regards the Board Chair. The report recipient must advise the Board that an Ethical Misconduct report was received. The recipient may request an investigation of the Ethical Misconduct report upon a majority vote of the Board. The Board may ask the investigation to be conducted by the College General Counsel. The Board may also select an independent third party, through the College General Counsel, to conduct the investigation. "Independent third party" in this section means any person appointed by the Board to conduct this investigation. The independent third party will prepare investigative findings for the Board's review.

The Board shall have the authority to sanction and/or censure a Board member who is found by the Board to have violated the Board member's duties or any other provision of these Bylaws. In order for the Board to censure a Board member, the Board member must be found, by majority vote of the Board, to have violated a specific statute or law, Board Bylaw, or Board policy defining the Board member's duties and responsibilities. Such a finding shall be made by the Board only after an investigation by the Board or the Board's designee. The investigation must include an opportunity for the Board member to respond to the specific allegation(s) that the Board member has breached a duty.

Upon such finding, the Board may sanction the Regent found to have engaged in ethical misconduct. Sanctions may include, but are not limited to, (1) removing the Regent from serving on any committee, (2) limiting travel and fee reimbursement, (3) censuring the Regent, or (4) any other sanction or action allowed by law.

"Official Misconduct" is defined as "intentional, unlawful behavior relating to official duties by an officer entrusted with the administration of justice or the execution of the law. . . [and includes] an intentional or corrupt failure, refusal, or neglect of an officer to perform a duty imposed on the officer by law." Texas Government Code § Section 87.011(3).

VII. BOARD ELECTIONS AND APPOINTMENTS

The Board is composed of nine members who are elected for six-year terms in accordance with State law. Elections are held on the first Tuesday after the first Monday in November of even-numbered years, at which time three members are elected. The Chair and other Board officers are elected by the membership of the Board. Subject to applicable statutes, regulations, and State law, if the position of an at-large representative on the Board shall become vacant, the Board shall fill the unexpired term in accord with the guidelines below; and if the position of a district representative on the Board shall become vacant, the Board may fill the unexpired term in accord with the guidelines below or may opt to leave the position open to be filled at the next election. Board elections and appointments shall be conducted in accordance with College policy and State law.

- A. The candidate for regent must be a registered voter who shall have resided within the College District for a period of at least six months prior to filing for such office. In the case of a single-member district vacancy, the candidate must have been a resident of that district for a period of at least six months prior to filing for such office.
- B. The Board shall announce the vacancy through the news media, including minority-language. In addition, the vacancy should be announced to interested agencies and individuals.
- C. The Board shall determine the period for responding to the announcement, the time being at least two weeks.

- D. Persons interested in being appointed to the Board shall submit a resume and support documents (as determined by the Board of Regents) to the President and CEO of the College.
- E. The Board of Regents shall review the resumes and support documents and select candidates to be interviewed.
- F. The Board of Regents shall interview the selected candidates and make an appointment.
- G. All Election Documents, including Campaign Finance Reports, filed with the College by Board members will be available to the public and posted on the College's website.
- H. A person elected or appointed to serve as a Board member must remain a resident of the Del Mar College Taxing District, or in the single-member district, if applicable, throughout the term of office. A Board member who ceases to reside in the College Taxing District, or in the single-member district, if applicable, shall be deemed to have vacated their office.

VIII. BOARD MEMBER TRAINING

The Board and CEO shall provide an orientation for new Board members promptly after taking the Oath of Office to assist them in understanding the Board's function, policies, and procedures. Assistance given in the orientation of new Board members shall comply with the criteria specified in Texas State Law.

The CEO, or designee, will work with the Board to ensure Board training needs are addressed, including all training as required by state law.

The official training program established for members of the Board of Regents shall comply with all regulations and criteria under Texas Education Code § 61.084. Each member of the Board shall attend, during the member's first year of service, at least one training program under this Section.

Within 90 days of taking the oath of office, a Regent shall complete a course of training on open meetings and open records provided by the Texas Attorney General or another approved source of training about the Board's and Regents' responsibilities under Chapter 551, Government Code.

Within 90 days of taking office, a Regent shall also complete the Board Ethics training and filing requirements outlined in II(Y).

IX. OFFICERS

- A. Officers of the Board of Regents shall be a Chair, a first Vice Chair, a second Vice-Chair, Secretary, and other officers as deemed necessary.
- B. Any officer of the Board may be removed from office for cause by majority vote of the Board at a special or regular meeting of the Board.
- C. The term of office for each officer shall be two years with no limit as to the number of terms which may be served.
- D. Election of officers shall be conducted each two years at the meeting of the Board following the election of members to the Board of Regents. Election of officers shall occur immediately following the swearing in of those elected to the Board. The election shall be conducted in such manner as agreed upon by the members of the Board.
- E. The duties of the officers shall be as follows:
 - 1. Chair of the Board
 - a. Preside at meetings of the Board of Regents.
 - b. Appoints Board Committees and Chairs.
 - c. Sign official documents and contracts as required by statute or Board policy.
 - d. Promote Board unity and share all information with other Board members in a timely fashion.
 - e. Perform such other duties as may be required by law or specified by the Board of Regents.
 - 2. Vice Co-Chairs (2) of the Board
 - a. Perform the duties of the Chair in the absence of the Chair.
 - b. Promote unity.
 - c. Perform such other duties as may be required by law or specified by the Board of Regents.
 - 3. Secretary of the Board
 - a. Serves as the official custodian of the minutes, books, records, and seal of the Board.
 - b. Preside at the meetings in the absence of the Chair and Vice Chair.
 - c. Sign official documents as required by statute or Board policy.
 - d. Promote unity.

- e. Perform such other duties as may be required by law or specified by the Board of Regents.
- F. If a vacancy should occur in any office, a replacement for the remainder of the unexpired term shall be selected by an election held by the remaining members of the Board.

X. COMMITTEES OF THE BOARD

- A. The Chair or the Board of Regents may establish committees as needed and shall confer on such committees the committee charter for any such established committee.
- B. Within the first quarter of an odd-numbered year, the Board will review and determine whether to operate as a committee of the whole or to establish Board committees. Irrespective of the established committee composition cycle, the Board may create or dissolve committees as it deems appropriate.
- C. The Board Chair is authorized to appoint committee members, designate the chair of the committees, and determine committee term limits. The President and CEO of the College may serve as ex-officio member of each Board committee and may also appoint staff liaisons.
- D. All committees shall constitute less than a quorum of the Board. A standing or special Board committee must have at least two Regents present in order to advance items to be forwarded to the full Board of Regents.
- E. The chair of each Board committee will ensure that minutes are taken during a meeting of the committee, and the minutes of each committee meeting will be shared with each committee member, approved, and posted and maintained in the same manner as other Board minutes.
- F. Unless otherwise directed by the Board, committees may establish their own procedures for meeting and conducting business.

XI. MEETINGS

- A. Regular meetings of the Board shall be held at 1:00 p.m. on the second Tuesday of each month, and on one of the campuses of the College, unless otherwise specified by the Chair. Without necessitating an amendment to the Bylaws, the Board Chair may make a temporary change of time, date or location of the regular meeting.
- B. Items may be placed on the agenda for meetings of the Board by the Chair of the Board, the President and CEO of the College, or by written request sent by mail, fax, or email, to the Board Chair by a member of the Board with concurrence

provided from a second Board member. The request then shall be sent to the President and CEO of the College.

- D. Called or emergency meetings may be held, if necessary. An emergency meeting may be called because of “an imminent threat to public health and safety” or “a reasonably unforeseeable situation including a natural disaster, infrastructure failure, epidemic, or civil disturbance.” Texas Government Code § 551.045.
- E. As needed, the Board may also meet for the purpose of conducting a Workshop meeting. A Workshop meeting may be convened and held at any reasonable date and time.
- F. Meeting Notices and Agendas will be posted in accordance with the Texas Open Meetings Act and available on the College’s website.

XII. ORDER OF BUSINESS

The Chair of the Board shall set the Order of Business which may include the following:

- A. Call to Order
- B. Quorum Call
- C. Moment of Silence
- D. Pledge of Allegiance
- E. Del Mar College Vision Statement
- F. General Public Comments
- G. Recognition and Accolades
- H. Staff Reports
- I. College Chief Executive Officer’s Report
- J. Regents’ Comments
- K. Pending Consent Agenda Items (any item may be removed and placed on the regular agenda by any Board member)
- L. Pending Regular Agenda Items for Discussion and Possible Action
- M. Closed Session

N. Calendar

O. Adjournment

XIII. PUBLIC COMMENT

The Del Mar College Board of Regents ("Board") has always endeavored to solicit the advice and counsel of the public in the planning and operation of the College. To this end, the Board recognizes the role of public comment and input during the meetings of the Board and respects the right of the public to provide such comment. There are two opportunities during a Board meeting for public comment: i) in connection with a specific agenda item, prior to Board action (agenda items); and, ii) during General Public Comments.

In order to reasonably facilitate public comment during Board meetings and to ensure that everyone is provided with an equal opportunity to be heard, the following rules shall apply:

1. Prior to the start of a Board Meeting, an individual wishing to address the Board must fill out the Registration Card for General Public Comments and submit the completed Card to the Board Liaison. The individual shall indicate on the Registration Card the subject of the public comment (specific agenda item or general comment).
2. An individual wishing to provide handouts to the Board shall submit the handouts to the Board Liaison at the same time as the completed Registration Card, prior to the start of the Board Meeting.
3. An individual shall have 3 minutes to present General Public Comments.
4. An individual may not yield any portion of their allotted time to any other person.
5. General Public Comments are specifically subject to the Board's "Rules of Decorum" found in Section XVI of the Board's Bylaws of the Del Mar College Board of Regents.
6. An individual that violates any provision of this policy, or uses abusive, profane, or defamatory language or gestures or, language likely to incite a breach of the peace; or, engages in conduct likely to interfere with, or otherwise obstruct a meeting, may be ruled out of order and, i) issued a warning, ii) have their right to comment revoked, and/or, iii) be removed from the meeting.
7. General Public Comments shall occur at the beginning of the Board Meeting and shall be limited to a total no more than thirty (30) minutes.
8. General Public Comments on specific agenda items shall be allowed before or during the Board's deliberation of the specific agenda item and prior to action by the Board.
9. In accordance with the Texas Open Meetings Act, the College is limited in responding to public comments or inquiries on non-agenda items as follows:
 - a. Provide a statement of specific factual information in response to an inquiry;
 - b. Recite existing policy in response to an inquiry;
 - c. Propose placing the subject of the inquiry on the agenda of a subsequent meeting. (Tex. Govt. Code Section 551.042)

10. At the discretion of the Board, General Public Comments may be provided by telephone or other means of telecommunication or electronic communication, subject to the Texas Open Meetings Act.
11. The Board Chair shall have the authority, with good cause, to temporarily modify or suspend the application of any of these rules.

XIV. RULES OF ORDER

The latest edition of *Robert's Rules of Order* shall govern the Board in its deliberations, except where it is inconsistent with these Bylaws or any applicable law. All members of the Board may vote on matters to be decided by the Board unless excused by law.

XV. MINUTES OF PROCEEDINGS

- A. Minutes of proceedings of the Board of the previous meeting shall be delivered to the members before the time of the next regular meeting.
- B. The minutes of the preceding meeting(s) shall be reviewed by the Board Secretary or General Counsel, and approved by the Board.
- C. The official minutes of the Board shall be maintained by the Office of the College President and CEO and shall be made available for public review upon request.

XVI. RULES OF DECORUM

In order to orderly conduct the business of the College, and to properly discharge its duty, the Board of Regents must hear in many instances a variety of differing viewpoints. To obtain all relevant information from differing viewpoints, rules of decorum are necessary. Thus, the Board of Regents adopts the following rules to assist in the orderly deliberation of matters affecting the College and its constituents.

- A. No Board Member, staff person, faculty member, or members of the audience shall use abusive or defamatory language or gestures or make personal attacks against any member of the faculty, staff, Regents, or the public at any Board meeting.
- B. While the Board of Regents is in session there shall be adherence to Board policy prohibiting the use of tobacco, drugs and/or alcohol.
- C. Demonstrations shall not be permitted while the Board is in session, including marches, chanting, picketing, any other coercive, argumentative, political, and/or disruptive behavior of any kind.
- D. Banners, placards, signs, posters and political advertisements of any type are prohibited unless such material is useful and necessary to a presentation. The Board

of Regents, by majority vote, shall make the final determination on whether particular material is useful and necessary.

- E. Individuals shall present their views to the Board during Public Comments in a factual, precise presentation. Loud, boisterous, profane, or obscene language or behavior is not allowed.
- F. In addressing the Board under Public Comments, members of the audience shall rise, go to the podium, and remain standing while addressing the Board. They shall remain at the podium and speak into the microphone for the recording of the proceedings and begin by giving their full name and affiliation to the College, if any. The public shall not approach the Regents table except with permission or request of the Board Chair or presiding officer.
- G. All remarks shall be addressed to the Board and not to the Regents as individuals.
- H. Regents and College staff shall be prompt in all sessions of the Board and in the dispatch of the College business. Time limitations on presentations and public comments shall be enforced by the Board Chair.
- I. Regents, faculty, College staff, and members of the audience shall be courteous, polite, concise, and respectful of one another, and shall respect the letter and spirit of these rules so that the Board may fairly hear all sides of an issue and, by due deliberation, act in the best interest of the College.

XVII. AMENDMENT OF BYLAWS

These Bylaws may be amended at any regular meeting of the Board by majority vote of the members of the Board.

History:

Adopted by the Board of Regents Regular Meeting - April 4, 1978

Amended by the Board of Regents Regular Meeting - May 11, 1982

Amended by the Board of Regents Regular Meeting - November 9, 1982

Amended by the Board of Regents Regular Meeting - September 11, 1984

Amended by the Board of Regents Regular Meeting - September 13, 1988

Amended by the Board of Regents Regular Meeting - March 13, 1990

Amended by the Board of Regents Regular Meeting - September 14, 1999

Amended by the Board of Regents Regular Meeting - February 5, 2002
Edited Statement of Ethics

Amended by the Board of Regents

Regular Meeting - March 12, 2002
Added Rules of Decorum

Amended by the Board of Regents Regular Meeting - June 4, 2002
Revision to Sections IB, III, IV, V & VI

Amended by the Board of Regents Regular Meeting - January 21, 2003
Revision to Committees Names

Amended by the Board of Regents Regular Meeting - February 18, 2003
Added Committees Charges

Amended by the Board of Regents Called Meeting - June 17, 2003
Revision to Placing Items on Agenda

Amended by the Board of Regents Called Meeting- November 23, 2004
Revision to Officers and Order of Business

Amended by the Board of Regents Regular Meeting - November 11 , 2008
Added Censure of Board member, Section IJ

Amended by the Board of Regents Regular Meeting - December 16, 2008
Changed Board President to Chair; added Consent Agenda item

Amended by the Board of Regents Regular Meeting - September 8, 2009
Added to Sections IA6 - IA8

Amended by the Board of Regents Regular Meeting - November 13, 2012

Amended by the Board of Regents Regular Meeting – March 16, 2021
Changed III. Committees of the Board

Del Mar College Board of Regents

Statement of Ethical Conduct

As a member of the Board of Regents of the Del Mar College District, I am mindful of the public trust vested in the office to which I've been elected (or appointed), and I hereby commit to conduct myself in compliance with my oath and the law, our Board Bylaws, and in accordance with the highest ethical standards. I further commit to performing my duties, at all times, with integrity, in good faith, and, in the best interests of Del Mar College, its students, faculty and employees, and our community.

I affirm that I have:

1. Reviewed the Bylaws of the Del Mar College Board of Regents, particularly the Statement of Conduct and Ethics;
2. Completed the Board's Annual Ethics Update; and,
3. Filed a current Personal Disclosure Statement with the DMC Office of General Counsel.

Date: _____

By: _____
Regent, Del Mar College District

Del Mar College Board of Regents

Personal Disclosure Statement

In furtherance of the Del Mar College Board of Regents commitment to ethical conduct and transparency, in an effort to avoid conflicts of interest, and to promote public confidence in the Board and Del Mar College, the Board requires that each Regent file this Personal Disclosure Statement on an annual basis, with the DMC Office of General Counsel.

The information provided is accurate as of the year of filing, as well as the year immediately preceding the date of filing.

Name of Regent: _____

Filing Year: _____

- I. **Sources of Occupational Income.** Please list all sources of occupational income, identified by employer, or if self-employed, by the nature of the occupation.

- II. **Outside Positions.** Please list any offices or other positions you hold or have held within the past year in corporations, partnerships, trusts, civic organizations, charitable organizations, educational organizations, political organizations, or any other outside organization.

- III. **Personal Notes and Lease Agreements.** Please identify each guarantor of a loan and each person or financial institution to whom you, your spouse, or a dependent child had a total financial liability of more than \$1,000.00 in the form of a personal note or notes or lease agreement at any time during the past calendar year and indicate the category of the amount of the liability (\$1,000-\$4,999, \$5,000-\$9,999, \$10,000-\$24,999, \$25,999-OR MORE).

Date: _____

Regent, Del Mar College District