MINUTES OF THE REGULAR MEETING DEL MAR COLLEGE DISTRICT

February 13, 2024

The Regular Meeting of the Board of Regents of the Del Mar College District convened on Tuesday, February 13, 2024 at 11 a.m., at the Center for Economic Development, 3209 S. Staples, Room 106, Corpus Christi, Texas with the following present:

From the Board:

Ms. Carol Scott, Dr. Nicholas Adame, Ms. Libby Averyt, Dr. Anantha Babbili, Mr. Carl Crull, Mr. Rudy Garza, Jr., Mr. Bill Kelly, and Mr. David Loeb.

Dr. Laurie Turner joined the meeting in progress at 12:00pm.

From the College:

Dr. Mark Escamilla, President and CEO; Ms. Lenora Keas, Executive Vice President and COO; Mr. Raul Garcia, Vice President and CFO; Mr. Ali Kolahdouz, Vice President and Chief Information Officer; Dr. Jonda Halcomb, Vice President and Chief Academic Officer; Ms. Tammy McDonald, Vice President of Administration and Human Resources; Ms. Patricia Benavides-Dominguez, Vice President for Student Affairs; Ms. Cheryl Sanders, Associate Vice President for Student Affairs; Mr. Augustin Rivera, Jr., General Counsel; Mr. John Strybos, Vice President and Chief Physical Facilities Officer; Ms. Mary McQueen, Vice President of Advancement and Government Relations; Ms. Delia Perez, Director of CEO Office and Board Relations, and other staff and faculty.

CALL TO ORDER/QUORUM CALL

Chair Scott called the meeting to order with a quorum present. She requested a moment of silence followed by the Pledge of Allegiance and Del Mar College Vision Statement.

GENERAL PUBLIC COMMENTS – The public was given the opportunity to provide public comments (both general and specific to any agenda item).

There were no public comments made for this meeting.

Chair Scott changed the order of the Agenda without objection.

At 11:02 a.m., the Chair announced that the Board was going into Closed Session pursuant to:

15. CLOSED SESSION pursuant to:

A. <u>TEX. GOV'T CODE § 551.071</u>: (Consultation with legal counsel), regarding pending or contemplated litigation or legal claims, or a settlement offer, with possible discussion and action in open session; and, the seeking of legal advice from counsel,

on pending or contemplated legal matters or claims, with possible discussion and action in open session;

- B. <u>TEX. GOV'T CODE § 551.087:</u> (Deliberation Regarding Economic Development), regarding discussion or deliberation of information received from a business prospect with which the College is conducting economic development negotiations and/or the deliberation of an offer of a financial or other incentive to a business prospect, (including Regular Agenda Items Nos. 9 and 10), with possible discussion and action in open session; and,
- C. <u>TEX. GOV'T CODE § 551.072</u>: (Deliberation Regarding Real Property) regarding the deliberation of the purchase, exchange, lease, or value of real property; with possible discussion and action in open session.

The Board of Regents reconvened in Open Session at 1:00 p.m. with no action taken at this time.

RECOGNITIONS:

Dr. Halcomb recognized Ms. Laura Wright Bienek, AIA, RID, Director and Associate professor of Architectural/Drafting Technology for being awarded the American Institute of Architects (AIA) Corpus Christi Chapter's Outstanding Member Award for 2023. Dr. Halcomb reviewed Ms. Bienek's credentials and acknowledged her passion for the College's architecture program, students, and community. Ms. Bienek stated she was honored and grateful for receiving the award.

- - Ms. Keas recognized Ms. Angie Britton and Ms. Nancy Phillips of the College's APEX Accelerator. Ms. Keas reviewed their credentials and certification requirements for the certification they received. It is a national certification by the association of Procurement Technical Assistance Centers as Certified Procurement Professionals.

Ms. Keas recognized the College's Continuing Education Department stating it was awarded the 2023 Community Choice Award for Best Adult Education Program in the Coastal Bend. This award recognizes organizations and businesses for the best in class and nominations for this award come directly from the community at large. Ms. Rachel Benavides leads a caring and supportive staff under the direction of Dr. Leonard Rivera. She recognized the staff in attendance and provided words of gratitude.

Mr. Garcia recognized Mr. John Salinas for earning the Certified Public Procurement Officer credential. He also reviewed Mr. Salinas' credentials and stated he had to take a very rigorous exam. Mr. Salinas thanked the Board of Regents and stated he was honored to work and be mentored by such a wonderful team.

COLLEGE PRESIDENT'S REPORT.......Dr. Mark Escamilla

 Rachel Benavides, Sr. Director of Continuing Education, selected to serve on the Texas Higher Education Coordinating Board's Stakeholder Committee for Workforce Development

(Goal 5: Workforce Development, Community Partnerships, and Advocacy)

Dr. Escamilla recognized Ms. Rachel Benavides who was selected to serve on the Texas Higher Education Coordinating Board's Stakeholder Committee for Workforce Development.

Dr. Escamilla stated he attended the following:

- TACC Quarterly Meeting, January 24, 2024 (Goal 5: Workforce Development, Community Partnerships, and Advocacy)
- TACC Leadership Meeting, January 31, 2024 (Goal 5: Workforce Development, Community Partnerships, and Advocacy)
- ACCT National Legislative Summit, February 4-7, 2024, Washington, DC

REGENTS REPORT:

Chair Scott stated three Board members attended the summit. After hearing a variety of presentations regarding the legislative agenda at the federal level, they were able to participate in several meetings at Capitol Hill, including meetings with our elected representatives. Chair Scott stated they focused their legislative priorities on Texas students around Pell Grant funding, and advocated for the workforce Pell and tax-free Pell funding, full funding for Pell and to increase the maximum award in future years. Drs. Turner and Adame provided commentary regarding their attendance.

STAFF REPORTS:

Ms. Martinez stated she was going to provide an update on the College's testing centers, and reviewed the testing center locations and staff. She provided information regarding September 2022 – August 2023, and September 2023 – present. The totals included different types of placement tests offered at the Centers including ACT, CLEP, Correspondence Exams, DMC Instructor exams, TCFP, GED, Nursing TEAS, Radiologic Technology TEAS, DMC Real Estate exam, TCEQ, TSI, and Center for Access and Advocacy referred testers.

Ms. Martinez, Mr. John Strybos, and Dr. Escamilla responded to questions from the Board of Regents.

• Deletion of "A" procedure sections: A.8.8.1 Information Management Committee and A.8.8.1.1 Membership (Goal 5: Workforce Development, Community Partnerships, and Advocacy)

Ms. McDonald provided information regarding "A" policy change notification. The revision is to align with current committee structure, a new college wide standing committee (Strategic Technology Adoption Advisory Committee) was established January 1, 2024 to replace the committee Information Management Committee.

• TCOLE Racial Profiling Report Submission (Goal 4: Learning Environments)

Ms. McDonald stated pursuant to Texas Commission on Law Enforcement (TCOLE) and Article 2.132 CCP Law Enforcement Policy on Racial Profiling, the College is required to provide notice to its governing body that the report has been filed. The College under these guidelines is exempt and is still required to file a report certifying its exempt status.

• Texas School Safety Center 2023 Emergency Operations Plan Review (Goal 4: Learning Environments)

Ms. McDonald provided notice that the College has satisfied all evaluation criteria for the Fall 2023 Emergency Operation Plan review cycle by the Texas State Safety Center on January 12, 2024.

PENDING BUSINESS:

Status Report on Requested Information (Goal 5: Workforce Development, Community Partnerships, and Advocacy)

CONSENT AGENDA

Notice to the Public

The following items are of a routine or administrative nature. The Board of Regents has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Board member or a citizen, in which event the item(s) will immediately be withdrawn for individual consideration in their normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

CONSENT MOTIONS:

(At this point the Board will vote on all motions not removed for individual consideration.)

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

- Approval of Minutes:
 Workshop Board Meeting, November 14, 2023
 Regular Board Meeting, November 14, 2023
 (Goal 5: Workforce Development, Community Partnerships, and Advocacy)
- 2. Acceptance of Investments for December 2023 and January 2024 (Goal 6: Financial Effectiveness and Affordability)
- 3. Acceptance of Financials for December 2023 (Goal 6: Financial Effectiveness and Affordability)

Regent Crull made a motion to adopt the Consent Agenda. Regent Kelly seconded the motion. There was no further discussion from the Board. There were no public comments. A vote was taken by show of hands, and the motion carried unanimously 9-0, with Regents Scott, Adame, Averyt, Babbili, Crull, Garza, Kelly, Loeb, and Turner in favor.

REGULAR AGENDA

Ms. McQueen began her presentation regarding a recommendation to name the Millwright Lab at Workforce Development Center for ArcelorMittal Texas for a gift of significance donation. After review of the Board Policy, Ms. McQueen stated ArcelorMittal has been supporting the College with gifts for scholarships and programs since 2016. Most of the giving has been for scholarship support, but gifts have also been provided for the Process Technology Pilot Plant (2018) and VITA Program (2023, 2024). Cumulative giving received as of February 4, 2024 totals \$460,000.00 to these programs. The company requested an invoice for the balance necessary to reach the \$500,000.00 naming level in January 2024. This scholarship supports students in industrial technology majors with \$3,000 per student per academic year providing significant investment for student success.

Ms. McQueen and Dr. Escamilla responded to questions from the Board of Regents.

Regent Babbili made a motion to adopt the naming of the Millwright Lab for ArcelorMittal Texas. Regent Loeb seconded the motion. There was no further discussion from the Board. There were no public comments. A vote was taken by show of hands, and the motion carried unanimously 9-0, with Regents Scott, Adame, Averyt, Babbili, Crull, Garza, Kelly, Loeb, and Turner in favor.

Mr. Garcia reviewed the 2025 budget plan calendar. He also reviewed the three funding strategies, regarding operating funds, which include tuition and fees, state appropriations, and property taxes. For Fiscal Year 2023, the College's revenue streams for property taxes - \$65.9 million; state appropriations - \$25.3 million; and tuition/fees - \$10.7 million.

Mr. Garcia stated the following numbers are estimates at the beginning of the budget process for FY 2025. The FY 2025 estimated charges for student tuition/fees is \$21 million and is based on a \$1 increase. The estimate for state appropriations for FY 2025 is \$26.7 million. The estimate for tax revenues is \$67.9 million.

There was an in-depth discussion between the Board, Dr. Escamilla, and Mr. Garcia, regarding the projections and implications.

Mr. Garcia provided three examples of part-time student bills (in-district tuition, fees, and supplies) for the years 2021, 2022, and 2023. He also reviewed the basic and special charges as well as financial aid. Credit tuition and fees rate change relative to the Texas inflation rate was discussed, this information was provided by Texas Workforce Solution.

Mr. Garcia discussed the enrollment sensitivity to changes in the unemployment conditions and student rate changes which included the anomaly of rates during the pandemic. Three credit tuition rate change scenarios were discussed showing the estimated charges for \$2, \$3, and \$5 rate charges.

Ms. Sophia Jimenez, President of DMC Student Government addressed the Board regarding the student pulse of the College's possible rate increase. The students are aware of the many services the College provides but were still concerned about raising fees, book fees, and personal expenses.

Mr. Garcia, Mr. John Johnson, Mr. Joseph Ruiz, and Dr. Escamilla responded to questions from the Board of Regents.

Regent Crull made a motion to increase tuition rates \$2 per semester hour. Regent Babbili seconded the motion. Further discussion among the Board took place. There were no public comments. A roll call vote was taken with Regents Adame, Babbili, Crull, Garza, Kelly and Turner voting in favor of the motion, and Regents Scott, Averyt, and Loeb voting against the motion. The motion passed 6-3 in favor.

Mr. Garcia introduced Mr. David McElwain with Patterson & Associates, a Meeder Investment Management Company. He presented his report which included information

regarding the College's investments, performance and current economic conditions affecting the investments.

Mr. McElwain stated the core Personal Consumption Expenditures (CPI) Index, the Federal Reserve's preferred measure of price inflation, continues to be moderate. Data from October showed that inflation slowed to an annual pace of 3.5%, the lowest level since August 2021. Month-over-month, the index increased by just 0.16%, and annualizing the last six monthly increases shows consumer prices are increasing at a rate of 2.44%, within striking distance of the Federal Reserve's target.

Mr. McElwain reviewed College's portfolio and stated the market value of the portfolio is \$94 million and the market value is a little over \$93 million excluding Series 2018 Bond Funds.

The market shows increased probability that the Fed will begin cutting rates in the 1st half of 2024. The Fed Funds Futures anticipate at least 3-4 rate cuts by the end of this year. Investing funds in longer maturity ranges to lock in favorable yields will also give the District more visibility and confidence to better forecast earnings for future budgeting purposes.

Regent Loeb made a motion to approve the College's Quarterly investment report as presented. Regent Babbili seconded the motion. Further discussion among the Board took place. There were no public comments. A vote was taken by show of hands, and the motion carried unanimously 9-0, with Regents Scott, Adame, Averyt, Babbili, Crull, Garza, Kelly, Loeb, and Turner in favor.

Mr. Garcia stated that the College is in good sound financial footing for the months ending November, 2023. The College's financial operating results is trending above prior year's results, with a reported income from operations of \$8.7 million, relative to prior years \$8.1 million. This is attributed to better-than-expected revenues for the period offset by normal increases in expenses. The College is estimating that the FAST Program is going to generate half a million dollars, from \$369,000 to \$509,000. The current year's total operating expenses is valued at \$25.2 million is trending slightly above prior year's expenses by \$323,000 which is attributed in part to the plan increases in insurance cost of \$270,000.

The College's cash and investment position for the quarter total is \$3.2 million which is attributed in part to the new state performance revenue payment that was introduced by HB 8 which means the College received in October 50% of the annualized State appropriations funding for a value of \$9.7 million. The College can now comfortably fund its operating expenses for the next seven months with the current reported cash and investment position.

The College net position increased by nearly \$4.7 million and this is attributed to the better-than-expected investment earnings and changes in the actuarial assumptions for the Teacher's Retirement System that's held in trust.

Regent Babbili made a motion to approve the College's Financial report as presented. Regent Crull seconded the motion. Further discussion among the Board took place. There were no public comments. A vote was taken by show of hands, and the motion carried unanimously 9-0, with Regents Scott, Adame, Averyt, Babbili, Crull, Garza, Kelly, Loeb, and Turner in favor.

Chair Scott discussed the reappointment of a member to the Tax Increment Reinvestment Zone (TIRZ) #3 Board. Regent Rudy Garza has represented Del Mar College since February 2023, and is interested in continuing that representation.

Regent Crull made a motion to reappoint Regent Raul Garza to the TIRZ #3 Board. Regent Kelly seconded the motion. Further discussion among the Board took place. There were no public comments. A vote was taken by show of hands, and the motion carried unanimously 9-0, with Regents Scott, Adame, Averyt, Babbili, Crull, Garza, Kelly, Loeb, and Turner in favor.

Regent Kelly announced that he was abstaining from participating due to a potential conflict and temporarily left the meeting and boardroom during this item.

Ms. Keas provided background information regarding the City amended Ordinance #024270, Reinvestment Zone No. 2, City of Corpus Christi TIRZ #2 on Padre Island. She introduced Ms. Heather Hurlbert with the City of Corpus Christi, Assistant City Manager, who has been instrumental with the information being provided.

Ms. Keas provided an overview of the TIRZ purpose and process and the public use for infrastructure and improvements. She also provided the amended proposal in accordance with Board Policy B4.37 and said the information provided was in compliance with policy. The potential project categories were discussed, and it was noted that present tax valuation of the property is \$837.1 million and the projected value with improvements in ten years is \$2.5 billion and in twenty years is \$2.9 billion. Should the College contribute at 100% for five years and 50% for the following five years, the total contribution will be \$13.3 million. Based upon final analysis, the following brings the most long-term benefit to the College: the College participate in TIRZ #2 Extension for a period of ten years at 100%, 50% for the first five years and 50% for the remaining five years with a maximum contribution of \$13.4 million.

Ms. Keas and Ms. Hurlbert responded to questions from the Board of Regents. Regents provided comments and concerns.

Regent Loeb made a motion to not participate in TIRZ #2 Extension project. Regent Turner seconded the motion. Further discussion among the Board took place. There were no public comments. A vote was taken by show of hands, and the motion carried unanimously 8-0, with Regents Scott, Adame, Averyt, Babbili, Crull, Garza, Loeb, and Turner in favor.

Mr. Kelly joined the meeting.

Ms. Keas provided background information regarding the City Ordinance that passed on January 9, 2024 to create a Tax Reinvestment Zone (TIRZ) #6 pursuant to a petition by the owners of Barisi Village property. This property is 127 acres of the former Pharaoh Valley Country Club. She also provided background information regarding the Barisi Village and the future development that includes multifamily units, townhomes, hotel,

retail space, and a golf course among other developmental ideas. The Interlocal Agreement is still pending with the City of Corpus Christi and is being worked out. The timeline of buildout is 10-12 years. The anticipated taxable value is \$800 million to \$1 billion at completion.

Ms. Keas stated the College's policy on TIRZ requires the creation of jobs in relationship to the programs offered by the College. The direct jobs projected to be over 2,500 construction jobs and 819 full-time jobs at completion of the project.

Ms. Keas introduced Mr. Jonathan Gonzalez with Blackard Companies.

Ms. Keas, Mr. Gonzalez, and Ms. Hurlbert responded to questions from the Board of Regents. Regents provided comments and concerns.

Regent Loeb made a motion to not participate in TIRZ #6 Barisi Village. Regent Turner seconded the motion. Further discussion among the Board of Regents took place. There were no public comments. A vote by show of hands was taken with Regents Turner, Averyt, Adame, Scott and Loeb voting in favor of the motion, and Regents Crull, Kelly Garza, and Babbili voting against the motion. The motion to not participate passed 5-4 in favor.

Mr. John Strybos began his presentation by providing background information regarding the Request for a Competitive Sealed Proposal #2023-12 for the HVAC improvements for the Center for Economic Development. Mr. Strybos stated the process was qualifications based and the Evaluation Committee received two bids. The recommendation is to award the contract to Victory Building Team, and the funding would be preferred through State Energy Conservation Office Utility Conservation Measures Loan.

Regent Crull made a motion to award Victory Building Team in the amount of \$2.9 million. Regent Babbili seconded the motion. There were no public comments. A vote was taken by show of hands, and the motion carried unanimously 9-0, with Regents Scott, Adame, Averyt, Babbili, Crull, Garza, Kelly, Loeb, and Turner in favor.

Mr. Strybos provided information regarding the low interest loan program provided by the State Energy Conservation Office. Current interest rate is 2.5% fixed rate, and the loan is repaid through energy conservation savings and no impact on the College's Operating budget.

Regent Loeb made a motion to authorize the negotiation of the terms and conditions of the loan for the Competitive Sealed Proposal #2023-12 for the HVAC improvements for the Center for Economic Development project with the State Energy Conservation Office. Regent Babbili seconded the motion. There was no further discussion from the Board. There were no public comments. A vote was taken by show of hands, and the motion carried unanimously 9-0, with Regents Scott, Adame, Averyt, Babbili, Crull, Garza, Kelly, Loeb, and Turner in favor.

Mr. Strybos informed the Board of Regents on how the Del Mar College District can expand its territory by "automatic annexation" under the Texas Education Code § 130.066, entitled "Automatic Annexation of Certain Territory." The City of Corpus Christi passed an ordinance annexing 19.41 acres section of the County Road 22, located between County Road 51 and County Road 43 annexing approximately 84.368 acres of land per owner petition near the southwest corner of County Road 22 and County Road 49 and rezoning of this land.

Regent Crull made a motion to annex the property as presented in Agenda Item No. 13. Regent Loeb seconded the motion. Regent Crull noted future annexing of the London School District. There were no public comments. A vote was taken by show of hands, and the motion carried unanimously 9-0, with Regents Scott, Adame, Averyt, Babbili, Crull, Garza, Kelly, Loeb, and Turner in favor.

Mr. Strybos provided background information regarding the approval of an Interlocal Agreement between the City of Corpus Christi and seven public education districts within its boundaries which include Del Mar Community College District, Calallen, Corpus Christi, Flour Bluff, London, Tuloso-Midway, and West Oso Independent School Districts. The City of Corpus Christi Development Services Department will develop a "School Team" dedicated to reviewing project plans. This process will also give expedited reviews to building permits.

Discussion was held regarding the commercial building fees.

Mr. Strybos responded to questions from the Board of Regents.

Regent Loeb made a motion to approve and authorize staff to negotiate and execute Interlocal Agreement discussed in Agenda Item No. 14. Regent Adame seconded the motion. Regent Crull noted future annexing of the London School District. There were no public comments. A vote was taken by show of hands, and the motion carried unanimously 9-0, with Regents Scott, Adame, Averyt, Babbili, Crull, Garza, Kelly, Loeb, and Turner in favor.

CALENDAR: Discussion and possible action related to calendaring dates.

ADJOURNMENT: The meeting was adjourned at 4:12 p.m.

MINUTES REVIEWED BY GC: /s/ARjr