



Notice/Agenda of December 2024 Regular Meeting

**The Board of Trustees
College of the Mainland
Doyle Family Administration Boardroom (A129)
1200 Amburn Road
Texas City, Texas 77591
Monday, December 9, 2024**

The December 2024 Regular Meeting of the Board of Trustees of College of the Mainland will be held Monday, December 9, 2024, beginning at 12:30 PM in the

Doyle Family Administration Boardroom (A129)
1200 Amburn Road
Texas City, Texas 77591

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. The items listed in this notice may be considered in any order at the discretion of the Chair or Board and items listed for closed session discussion may be discussed and/or approved in open session and vice versa as permitted by law.

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. **Call to Order**
2. **Pledge of Allegiance (American Flag), Texas Pledge & a Moment of Silence**
3. **Roll Call & Determination of Quorum**
4. **Minutes**
 - A. Consideration of and Possible Action to Approve the Full Board Minutes of Monday, October 28, 2024
 - B. Consideration of and Possible Action to Approve the Special Called Board of Trustees Meeting of Wednesday, November 20, 2024
5. **Comments from the Community**
 - A. Students
 - B. Employees
 - C. Other Citizens
6. **Consideration of and Possible Action to Approve the Tax Abatement Agreement between College of the Mainland, Guld Coast Ammonia LLC, Eastman Chemical Texas City, Inc., and Oiltanking North America, LLC**
7. **Constituent Leader Activity Reports**
 - A. Classified Council - Sonia Kukuch, President
8. **Consideration of and Possible Action to Accept the 2023-2024 Annual Financial and Compliance Report**
9. **Internal Auditor Item(s)**
 - A. Consideration of and Possible Action to Accept the Annual Internal Audit Report as Presented on December 9, 2024

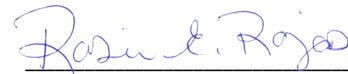
- B. Consideration of and Possible Action to Accept the Internal Audit Report on Continuing Education and Workforce Development as Presented on December 9, 2024
- 10. **Bond Update - Presented by LAN (Lockwood, Andrews & Newnam, Inc.)**
- 11. **Consideration of and Possible Action to Approve the Amendment to Contract 23-05 for Reimbursable Expenses as Presented**
- 12. **Consideration of and Possible Action to Approve the Amendment to Cannon Design Contract 23-27 for Redesign Services to the Newly Published IBC 2024 Code as Required by the City of Texas City**
- 13. **Consideration of and Possible Action on the Approval of Amendment to Cannon Design Contract 23-27 for Design Services for the Cooling Tower Replacement Project**
- 14. **Human Resources Items**
 - A. Appointment Nominations
 - 1. Consideration of and Possible Action to Approve the Appointment Nomination of Elizabeth Gross to the Position of Enrollment Coach, Strategic Enrollment Management Department
 - 2. Consideration of and Possible Action to Approve the Appointment Nomination of Travis Prior to the Position of Facilities Services Manager, Facility Services Department
 - 3. Consideration of and Possible Action to Approve the Appointment Nomination of Kelley Waters to the Position of Director of Quality Enhancement Plan, Academic & Student Affairs
 - 4. Consideration of and Possible Action to Approve the Appointment Nomination of Monica Wylie to the Position of Payroll Specialist, Human Resources Department
 - B. Consideration of and Possible Acceptance of the Non-Contractual Positions Hiring Report as Written
- 15. **Consideration of and Possible Action to Approve Award of Contract 25-02 to Purchase Medical Manikins from Laerdal in an Amount Not-to-Exceed \$244,207.08 to be Paid with Grant Funds**
- 16. **Consideration of and Possible Action to Accept the College's Investment Policy CAK(Legal) and CAK(Local), Investment Strategy and David Wesse, Vice President for Fiscal Affairs, and Trudy Trochesset, Controller, as the College's Investment Officers, Effective September 1, 2024**
- 17. **Financial Report(s)**
 - A. Consideration of and Possible Action to Accept the October 2024 Investment Report and October 2024 Financial Reports
- 18. **Consideration of and Possible Action to Schedule the March 2025 Board of Trustees Meeting on Monday, March 31, 2025**
- 19. **Board Report**
- 20. **President's Report**
 - A. Updates
 - B. Reminders/Announcements
 - 1. Board Meetings
 - January 2025 - Monday, January 27th
 - February 2025 - Monday, February 24th
 - March 2025 - Monday, March 31st (if approved)
 - 2. Martin Luther King Celebration, Tuesday, January 21, 2025 12:30 p.m., COM Conference Center
 - C. Resignations and Retirement Report

D. Miscellaneous Updates

21. **Adjournment to a Closed or Executive Session Pursuant to the Texas Government Code of the Open Meetings Act Section 551.072 - deliberation regarding real property**
22. **Discussion of the President's Annual Evaluation**
23. **Consideration of and Possible Action on any Items Discussed in Closed Session**
24. **Adjourn**

**If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board reserves the right to conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E, including but not limited to the following provisions; 1)Section 551.071-consultation with attorney, 2)Section 551.072-deliberation regarding real property, 3) Section 551.073-deliberation regarding prospective gifts, 4)Section 551.074-deliberation regarding personnel matters, and/or complaints against school personnel, 5)Section 551.082-deliberation regarding student disciplinary matters and/or complaints against personnel. 6)Section 551.087-deliberation regarding economic development negotiations, and/or 7)Section 551.089 – deliberation regarding security devices or security audits. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.*

The notice for this meeting was posted in compliance with the Texas Open Meeting Act on, Thursday, December 12, 2024, 3:00 P.M.



Rosie E. Rojas
Board Clerk

Administration

President Warren Nichols, Ed.D.
Executive Vice President Helen Brewer, Ph.D.
Vice President David Wesse, Ph.D.



PRESIDENT'S OFFICE

Call to Order

Call to Order on (insert date)
at (insert time)



PRESIDENT'S OFFICE

Pledge of Allegiance to the American Flag
Texas Pledge
Moment of Silence

The Texas State Flag Pledge
"Honor the Texas flag; I pledge
allegiance to thee, Texas, one state under
God, one and indivisible."



College of the Mainland
Board of Trustees
2023-2024

Mr. Don Gartman,
Board Chair
2538 Quaker Dr.
Texas City, 77590
409-739-2618
dgartman@com.edu

Mr. Alan L. Waters,
Trustee
#1 South Pintail Street
La Marque, TX 77568
409-655-5055
awaters1@com.edu

Mrs. Dawn King,
Board Vice Chair
P.O. Box 1105
Dickinson, TX 77539
832-860-0663
dking4@com.edu

Dr. Verna J. Henson,
Trustee
7306 Heron Ln.
Texas City, TX 77591
409- 995-0948
vhenson@com.edu

Mrs. Melissa Skipworth,
Board Secretary
1061 Misty Cliff
Dickinson, TX 77539
281-684-9146
mskipworth@com.edu

Dr. Bill McGarvey,
Trustee
808 Buttonwood Dr.
Texas City, TX 77591
409-770-3537
wmcgarvey@gmail.com

Mr. Kyle L. Dickson,
Trustee
2514 Pilgrim Estate Dr.
Texas City, TX 77590
281-488-0630
dickson@murray-lobb.com



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 9, 2024
Subject: Full Board Minutes

Presented for recommended acceptance to Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: "I move the Board of Trustees approve the Full Board Minutes of October 28, 2024."

PURPOSE

To ensure accuracy of the monthly minutes.

BACKGROUND

Minutes are brought forward every month for approval.

IMPLICATIONS

Financial: N/A

Strategic Goal #1: Strategic Goal #5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

Human Resources: N/A

Attachments

1. Minutes of 10/28/24

College of the Mainland Board of Trustees
Minutes of Monday, October 28, 2024
1:30 p.m., Doyle Family Administration Building

Call to Order

Don Gartman called the meeting to order at 1:30 p.m.

Pledge of Allegiance (American Flag), Texas Pledge & a Moment of Silence

Roll Call & Determination of Quorum

Roll call indicated that all Trustees were present, except Alan Waters & Verna Henson.

Minutes

Consideration of and Possible Action to Approve the Full Board Minutes of Monday, September 23, 2024

Melissa Skipworth moved the Board of Trustees approve the Full Board Minutes of Monday, September 23, 2024. Bill McGarvey seconded the motion; all voted in approval.

Comments from the Community

No comments this month.

Constituent Leader Activity Reports

Faculty Senate – John Presnall, President-Elect, updated the Board on faculty activities.

Professional Council – Brad Denison, Vice President, updated the Board on professional employee activities.

Student Government Association – Maia Morales Morales, Treasurer, updated the Board on Student Government Association activities.

Consideration of and Possible Action to Award Contract 25-01 for House Bill 8 Compliance Consulting Services

Brandon Tanous & Morgan Page, Internal Auditors, Weaver, reviewed the consulting services regarding HB8. Bill McGarvey moved the Board of Trustees award contract 25-01 for professional consulting services for a not-to-exceed amount of \$160,000 to be paid from Fund 52. Melissa Skipworth seconded the motion; all voted in approval.

Bond Update - Presented by LAN (Lockwood, Andrews & Newnam, Inc.)

Paula Drnevich and C.W. Scheibe, LAN, updated the Board on the bond projects.

Human Resources Items

Appointment Nominations

Consideration of and Possible Action to Approve the Appointment Nomination of Tige Cornelius to the Position of Executive Director of COM Foundation and Institutional Advancement, Institutional Advancement/Foundation Department

Melissa Skipworth moved the Board of Trustees approve the appointment of Tige Cornelius to the position of Executive Director of COM Foundation and Institutional Advancement, Institutional Advancement/Foundation Department. Bill McGarvey seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve the Appointment Nomination of Dr. Ernest McIntyre to the Position of Faculty - Engineering, Science Department

Melissa Skipworth moved the Board of Trustees approve the appointment of Dr. Ernest McIntyre to the position of Faculty - Engineering, Science Department. Bill McGarvey seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve the Appointment Nomination of Sonia Ramos to the Position of Director, Student Accounts/Bursar, Financial Services Department

Melissa Skipworth moved the Board of Trustees approve the appointment of Sonia Ramos to the position of Director, Student Accounts/Bursar, Financial Services Department. Bill McGarvey seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve the Appointment Nomination of Dr. Kimberly Ross to the Position of Director of Collegiate High School, Dean of Student Services Department

Kyle Dickson moved the Board of Trustees approve the appointment of Dr. Kimberly Ross to the position of Director of Collegiate High School, Dean of Student Services Department. Melissa Skipworth seconded the motion; all voted in approval.

Consideration of and Possible Acceptance of the Non-Contractual Positions Hiring Report as Written

Kyle Dickson moved the Board of Trustees accept the Non-Contractual Positions Hiring Report as written. Bill McGarvey seconded the motion; all voted in approval.

New Position(s)

Consideration of and Possible Action to Approve the Administrative Officer Position for the Vice President for Student Affairs

Melissa Skipworth moved the Board of Trustees approve the Administrative Officer position for the Vice President for Student Affairs. Kyle Dickson seconded the motion; all voted in approval.

Policy

Consideration of and Possible Action to Approve the Revisions to Local Policy CF

Bill McGarvey moved the Board of Trustees approve the revisions to Local Policy CF. Kyle Dickson seconded the motion; all voted in approval.

Consideration of and Possible Action to Provide a Letter of Support for the U.S. Department of Education Postsecondary Success Recognition Program Application

Melissa Skipworth moved the Board of Trustees provide a letter of support for the U.S. Department of Education Postsecondary Success Recognition Program application. Kyle Dickson seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve Award of Contract 23-46 for Architectural Services for the Design of College Services Addition and Renovation Project

Bill McGarvey moved the Board of Trustees approve the award of contract 23-46 to RDLR for architectural services as presented. Melissa Skipworth seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve Award of Contract 23-45 to RDLR for Architectural Services for the Design of the Fine Arts Electrical and Door Hardware Upgrade Project

Bill McGarvey moved the Board of Trustees approve the award of contract 23-45 to RDLR Architects as presented. Melissa Skipworth seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve Award of Guaranteed Maximum Price (GMP) Amendment #2 to Contract #23-30 for Durotech, Inc. for the Public Safety Careers Center (PSC) Project

Melissa Skipworth moved the Board of Trustees approve the GMP Amendment #2 to contract 23-30 with Durotech, Inc., as presented. Kyle Dickson seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve the Guaranteed Maximum Price (GMP) Amendment to Contract #23-35 with Tellepsen Builders for the Corporate and Continuing Education Center Project

Bill McGarvey moved the Board of Trustees approve the GMP Amendment to contract 23-35 with Tellepsen Builders, as presented. Kyle Dickson seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve Amendment to Contract 23-27 for Additional Architectural Services to Include Design and Construction Administration for a Sound Masking System and Graphic Redesign

Kyle Dickson moved the Board of Trustees approve the amendment to contract 23-27 awarded to Cannon Design, as presented. Melissa Skipworth seconded the motion; all voted in approval.

Consideration of and Possible Action to Approve the Renewal of Contract 21-06 for Zogo Tech Software Services & Support Maintenance, Including Pathways Module, Not-to-Exceed \$231,296.41 to be Paid from the Annual Operating Budget and Title V Grant Funds

Kyle Dickson moved the Board of Trustees to approve the renewal of contract 21-06 for Zogo Tech software services & support maintenance, including Pathways Module, not-to-exceed \$231,296.41 to be paid from the annual Operating Budget and Title V Grant funds. Melissa Skipworth seconded the motion; all voted in approval.

Consideration of and Possible Action to Cast COM's 280 Votes for Donald Gartman to Serve on the Board of Directors of the Galveston Central Appraisal District and Adoption of Resolution Reflecting Same

Melissa Skipworth moved the Board of Trustees cast its 280 votes in the Galveston Central Appraisal District Directors election for Donald Gartman and adopt the Resolution as presented. Dawn King seconded the motion; all voted in approval.

Financial Report(s)

Consideration of and Possible Action to Accept the September 2024 Investment and Financial Reports

Melissa Skipworth moved the Board of Trustees accept the September 2024 Investment Report and the September 2024 Financial Reports. Bill McGarvey seconded the motion; all voted in approval.

Board Report

Melissa Skipworth attended the Fiesta Comunidad at COM. She also reminded everyone to go vote! Bill McGarvey stated that as a COM Foundation Board member, he is really looking forward to working with Tige Cornelius (newly appointed to the position of Executive Director of COM Foundation and Institutional Advancement).

President's Report

Updates

8-Week Advantage – Dr. Helen Brewer updated the Trustees on the 8-Week Advantage.

Report to the Community – Diane Burkett reviewed the Report to the Community.

Reminders/Announcements

Board Meetings

December 2024 – Monday, December 9th

January 2025 – Monday, January 27th

February 2025 – Monday, February 24th

Halloween Bash – October 31st, 12:30 p.m., Student Center

Veterans Day Ceremony – November 11th, 12:30 p.m., COM Conference Center

Groundbreaking Ceremony, Thursday, November 14th, 3:00 p.m. – 5:00 p.m., Public Service

Careers/Corporate and Continuing Education Building Site(s)

COM's Got Talent – November 21st, 6:00 p.m. – 8:00 p.m., LRC 131

COM Graduation, Abundant Life, December 7th, 10:00 a.m. & 2:00 p.m.

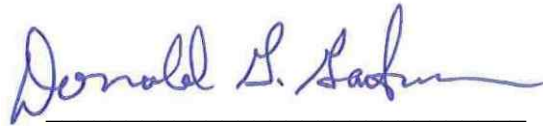
Resignations and Retirement Report

Miscellaneous

Adjournment at 2:47 p.m.



Melissa Skipworth, Secretary
Board of Trustees



Don Garton, Chair
Board of Trustees



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 9, 2024
Subject: Special Called Board Minutes

Presented for recommended acceptance to Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: "I move the Board of Trustees approve the Special Called Board Minutes of November 20, 2024."

PURPOSE

To ensure accuracy of the monthly minutes.

BACKGROUND

Minutes are brought forward every month for approval.

IMPLICATIONS

Financial: N/A

Strategic Goal #1: Strategic Goal #5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

Human Resources: N/A

Attachments

1. Minutes of 11/20/24

**College of the Mainland Board of Trustees
Minutes of Wednesday, November 20, 2024
Special Called Board Meeting
3:00 p.m., Doyle Family Administration Building**

Call to Order

Don Gartman called the meeting to order at 3:00 p.m.

Pledge of Allegiance (American Flag), Texas Pledge & a Moment of Silence

Roll Call & Determination of Quorum

Roll call indicated that all Trustees were present, except Alan Waters & Kyle Dickson.

Consideration of and Possible Action to Accept the Memorandum of Understanding (MOU) Between the College and the City of Texas City, Texas Regarding a Fire Marshall

Melissa Skipworth moved the Board of Trustees approve the memorandum of understanding (MOU) with the City of Texas City as presented. Dawn King seconded the motion; all voted in approval.

Adjournment to a Closed or Executive Session Pursuant to the Texas Government Code of the Open Meetings Act

Section 551.071 – consultation with attorney

Section 551.072 – deliberation regarding real property

3:08 p.m.

Don Gartman read the paragraph allowing the Board to move into executive session.

4:28 p.m.

Upon reconvening in open session, Bill McGarvey moved to pursue purchase of real property and to delegate to the President the authority to negotiate a contract with the owner subject to final board approval. Dawn King seconded the motion; all voted in approval.

Adjournment at 4:29 p.m.



Melissa Skipworth, Secretary
Board of Trustees



Don Gartman, Chair
Board of Trustees

Comments from the Community

A citizen desiring to appear before the Board of Trustees shall complete a Public Comment Request Form indicating the topic about which they wish to speak which shall be filed with the Board Clerk ten (10) minutes prior to the start of the meeting. Time allotted each citizen or organization shall be limited to five minutes. The total time for hearing of citizens shall be no more than 60 minutes at any one meeting. Presentation of matters concerning a complaint or charge against a College District employee or officer will be heard in closed session unless the individual who is the subject of the change or complaint requests a public hearing.

We appreciate your concerns. If the matter(s) you raise are not included on the board agenda, state law, specifically the Texas Open Meetings Act, prohibits the Board from discussing, commenting on or taking action on these issues at this board meeting. Thank you.



PRESIDENT'S OFFICE

Consideration of and Possible Action to Approve
the Tax Abatement Agreement between College of
the Mainland, Gulf Coast Ammonia LLC, Eastman
Chemical Texas City, Inc., and Oiltanking North
America, LLC

College of the Mainland County of Galveston Letterhead

November 25, 2024

Kenneth A. Koye, CEO & Managing Director
Gulf Coast Ammonia LLC

9805 Katy Freeway, Suite 400

Houston TX 77024

Kenneth A. Koye, CEO & Managing Director
Gulf Coast Ammonia LLC

9805 Katy Freeway, Suite 400

Houston, TX 77024

Re: Waiver of Right to Terminate for Failure to Place Improvements in Service

Dear Mr. Koye,

On behalf of ~~the County~~ College of the Mainland Galveston Commissioners Court, I write in reference to the Chapter 312 Tax Abatement Agreement between the College county of the Mainland Galveston, a special district acting as through its Board of Trustees, hereinafter referred to as the “College county” and Gulf Coast Ammonia LLC, ~~(f/k/a Eastman Chemical Texas City, Inc.), (f/k/a Oiltanking North America, LLC) and Air Products Industrial Gas LLC~~ hereinafter referred to as the “Company” and the Tax Abatement Agreement hereinafter referred to as the “312 Agreement”.

We understand that construction of the Improvements (as defined in the 312 Agreement) commenced within the required time period under the 312 Agreement and has continued since that time. We also understand that the Improvements are mechanically complete and will soon be placed in service. As a result, the Company has constructed the necessary Improvements with a value of at least \$450,000,000 and created at least 40 full-time jobs.

Given the foregoing, in accordance with Section 16.6 of the 312 Agreement, the College county waives until December 31, 2025 any default on the part of Company (as defined in the 312 Agreement) that has occurred, may occur or will occur, or any right to terminate the 312 Agreement that the College county has, may have or will have, in either case, as a result of the failure of Company to complete construction of the Improvements or place the Improvements in service by December 31, 2024 or otherwise.

Please let us know of any questions, or if we can be of further assistance.

Sincerely,

Warren Nichols, President

College of the Mainland Honorable Mark Henry, County Judge

CC:
Air Products Industrial Gas LLC
Attn: Sean D. Major – Secretary
7201 Hamilton Boulevard
Allentown, PA 18195-1501

DRAFT

3

Chapter 312 Agreement by and between:

College of the Mainland

Gulf Coast Ammonia, LLC

Eastman Chemical Texas City, Inc.

Oiltanking North America, LLC

(and by Joinder) Air Products Industrial Gas, LLC

CHAPTER 312
TAX ABATEMENT AGREEMENT
BETWEEN
COLLEGE OF THE MAINLAND,
GULF COAST AMMONIA LLC,
EASTMAN CHEMICAL TEXAS CITY, INC,
AND
OILTANKING NORTH AMERICA, LLC

STATE OF TEXAS §
COUNTY OF GALVESTON §

This Chapter 312 Tax Abatement Agreement (“**Agreement**”) is made, entered, and executed by and among **EASTMAN CHEMICAL TEXAS CITY, INC.**, a Delaware corporation (“**Eastman**”), **OILTANKING NORTH AMERICA, LLC**, a Delaware limited liability company (“**Oiltanking**”), as the owners/lessors of parcels of the taxable real property (all of such taxable real property described in the following clause (x) and clause (y), the “**Property**”) (x) located within the jurisdictional limits of the College of the Mainland, City of Texas City, Galveston County, Texas, and (y) specifically located within the “Texas City Gulf Coast Reinvestment Zone No. 1” (the “**Reinvestment Zone**”); **GULF COAST AMMONIA LLC**, a Delaware limited liability company (“**Company**”), which is the lessee of a portion of the Property and the owner of taxable property located within the Reinvestment Zone; and the **COLLEGE OF THE MAINLAND**, a special district acting through its Board of Trustees (“**College**”). The remaining portions of the Property not owned and leased to Company by Eastman and Oiltanking and located offshore are owned by the State of Texas. The Company (a) leases a portion of the Property from Eastman pursuant to a Ground Lease dated November 27, 2017, and evidenced by a Memorandum of Lease filed and recorded in the Official Public Records of Galveston County, Texas, with instrument number 2017073144, as amended, (b) may subsequently elect to relinquish some of the Property leased from Eastman and enter into a ground lease with Oiltanking for additional Property and (c) will enter into leases with the State of Texas (acting by and through the Commissioner of

the General Land Office, on behalf of the Permanent School Fund of the State of Texas) for the portions of the Property located offshore. Company and the College are sometimes jointly referred to herein as the “Parties” and sometimes individually referred to as a “Party.” Air Products and Chemicals, Inc., or its Affiliate (“**Air Products**”) may subsequently execute the Joinder attached to this Agreement as Exhibit E and join as a Party to this Agreement pursuant to Section 12.2. Eastman and Oiltanking are executing this Agreement and are Parties to this Agreement solely in their capacity as owners/lessors of portions of the Property and for the sole purpose of acknowledging and agreeing to Company’s execution of this Agreement.

This Agreement is made and entered into between the Parties for the purpose of encouraging the development of primary employment and attracting major economic investments in oil and gas, manufacturing, and other industry related development within the jurisdictional limits of the College district.

I. AUTHORIZATION

1.1. This Agreement is authorized by the Texas Property Redevelopment and Tax Abatement Act, Texas Tax Code, (“**Tax Code**”) Chapter 312, V.T.C.A., as amended, and by authorization of the College for property located within a municipal Reinvestment Zone and constitutes the valid and binding obligation of the College from and after execution hereof by all Parties. Company’s execution and performance of this Agreement has been duly authorized and constitutes the valid and binding obligation of Company from and after execution hereof by all Parties. Eastman’s execution and performance of this Agreement has been duly authorized and constitutes the valid and binding obligation of Eastman from and after execution hereof by all Parties. Oiltanking’s execution and performance of this Agreement has been duly authorized and constitutes the valid and binding obligation of Oiltanking from and after execution hereof by all Parties.

II. CONDITIONS PRECEDENT

2.1. The City of Texas City properly complied with the notice and public hearing requirements for the designation of a reinvestment zone pursuant to Sec. 312.201 of the Texas Property Tax Code and did thereby designate the Texas City Gulf Coast Reinvestment Zone No. 1 (i.e. the Reinvestment Zone) by Ordinance No. 17-16 adopted on May 17, 2017, and as was

subsequently amended by Ordinance No. 17-32 adopted on December 6, 2017 and Ordinance No. 19-23 adopted on August 7, 2019 (collectively, the “**Reinvestment Zone Ordinances**”) attached hereto as Exhibit A. The College properly approved the Company’s Tax Abatement Application (“**Abatement Application**”) which is attached hereto as Exhibit B and authorized the College to enter into this Agreement with Company for the abatement of certain ad valorem taxes pursuant to Chapter 312 of the Tax Code, as provided in this Agreement as evidenced by Resolution No. 2017-04 adopted on June 30, 2017, (“**Abatement Resolution**”) which is attached hereto as Exhibit C. The Parties agree that the recitations, findings, and representations contained in the Reinvestment Zone Ordinances, the Abatement Application, and the Abatement Resolution adopted by the College are true and correct and are hereby incorporated into this Agreement. In the event of any conflict between the terms of this Agreement and the terms of the Abatement Application, the terms of this Agreement shall control and the terms of the Abatement Application shall be automatically amended to conform to the terms of this Agreement.

2.2 The execution of this Chapter 312 Agreement is contingent upon the terms and conditions as may be established by the College or its Abatement Resolution approving this Agreement.

III. DEFINITIONS, GUIDELINES & CRITERIA

3.1. As used in this Agreement, the following terms shall have the meanings set forth below:

- a. “**2019 Certified Appraised Value**” means the January 1, 2019 value of all taxable property located within the Texas City Reinvestment Zone No. 1 as certified by the Galveston County Appraisal District as of that date.
- b. “**Improvements**” means the buildings or portions thereof and other improvements, including fixed machinery, equipment and process units, used for commercial or industrial purposes that are constructed by Company or Air Products on the Property after January 1, 2020.
- c. “**Construction Phase**” means a material and substantial improvement of the Property which represents a separate and distinct construction operation undertaken for the purpose of constructing the Improvements. The period of Construction Phase ends when commercial production of “on-specification” product is achieved at or by the Improvements, as defined below.

- d. **“Abatement”** means the full or partial exemption from ad valorem taxes of all taxable property in the Reinvestment Zone designated for economic development purposes.
- e. **“Eligible Abatement Property”** means the buildings, structures, fixed machinery, equipment and process units and improvements necessary to the operation and administration of the Improvements.
- f. **“New Eligible Abatement Property”** means Eligible Abatement Property, the construction of which commences subsequent to the date of execution of this Agreement, and inventories. A list of the New Eligible Abatement Property is set forth in Company’s Abatement Application dated July 24, 2019 and submitted to the College which is attached hereto as Exhibit B and incorporated herein by reference and made a part hereof. During the Construction Phase of the New Eligible Abatement Property, Company may make such change orders relating to the construction of the New Eligible Abatement Property as are reasonably necessary to accomplish its intended use.
- g. **“Ineligible Abatement Property”** means land, supplies, tools, machinery, equipment, furnishings, and other forms of movable personal property, including but not limited to, vehicles, vessels, aircraft, housing, hotel accommodations, deferred maintenance investments, improvements for the generation or transmission of electrical energy not wholly consumed by a new facility or expansion, any improvements including those to produce, store, or distribute natural gas, fluids or gases, which are not necessary to the operation of the Improvements, and property that has an economic life of less than fifteen (15) years.
- h. **“Affiliate”** of any person or entity identified in this Agreement means any other person or entity which, directly or indirectly, through one or more intermediaries, controls, or is controlled by, or is under direct or indirect common control with such specified person or entity. For purposes of this definition, the term **“control”** when used with respect to any person or entity in conjunction with the term **“affiliate”** means (i) the ownership, directly or indirectly, of fifty percent (50%) or more of the voting securities of such person or entity, or (ii) the right to direct the management or operations of such person or entity, directly or indirectly, whether through the ownership (directly or indirectly) of securities, by contract or otherwise, and the terms **“controlling”** and **“controlled”** have meanings correlative to the foregoing term **“control”** as herein defined.

- i. **“Force Majeure”** means an event or occurrence caused by (i) provisions of law, or the operation or effect of rules, regulations or orders promulgated by any governmental authority having jurisdiction over Company or the Project; (ii) any demand or requisition, arrest, order, request, directive, restraint or requirement of any government or governmental agency whether federal, state, military, local or otherwise; (iii) the action, judgment or decree of any court having competent jurisdiction; (iv) floods, storms, hurricanes, evacuation due to threats of hurricanes, lightning, earthquakes, washouts, high water, fires, sinkholes, evacuation due to threats of sinkholes, acts of God or public enemies, wars (declared or undeclared), blockades, epidemics, riots or civil disturbances, insurrections, strikes, labor disputes (it being understood that nothing contained in this Agreement shall require Company to settle any such strike or labor dispute), explosions, breakdown or failure of plant, machinery, equipment, lines of pipe or electric power lines (or unplanned or forced outages or shutdowns of the foregoing for inspections, repairs or maintenance), inability to obtain, renew or extend franchises, licenses or permits, loss, interruption, curtailment or failure to obtain electricity, gas, steam, water, wastewater disposal, waste disposal or other utilities or utility services, inability to obtain or failure of suppliers to deliver equipment, parts or material, or inability of Company to ship or failure of carriers to transport electricity from Company’s facilities; or (v) any other cause (except financial), whether similar or dissimilar, over which Company has no reasonable control and which forbids or prevents performance.

3.2. The tax abatement guidelines and criteria for granting tax abatements within the jurisdictional limits of the College, which the College adopted on August 26, 2019 by Resolution No. 19-01 which is attached hereto as Exhibit D and incorporated herein by reference and made a part hereof, are applicable to this Agreement and are incorporated herein by reference, together with any applicable amendments (“**College Guidelines and Criteria**”). The College has determined that the terms of this Agreement meet the College Guidelines and Criteria for granting tax abatements and all other terms and conditions as established by the College.

IV. SUBJECT PROPERTY

4.1. The Texas City Reinvestment Zone No.1, as designated by the Reinvestment Zone Ordinances, is an area within the jurisdictional limits of the College, comprising 200 acres of land, more or less, generally described in Exhibit A attached hereto and incorporated herein.

4.2. The 2019 Certified Appraised Values for the Land, Improvements and Tangible Personal Property located within the Reinvestment Zone that will be hereafter certified by the Galveston County Appraisal District in accordance with applicable law are hereby incorporated in this Agreement by reference.

4.3. Company estimates the appraised values of Land, Improvements and Tangible Personal Property located on the Property within the Reinvestment Zone to be at least the following:

	Personal Property	Improvements	Land
Taxable Value as of January 1 st <i>Preceding</i> Tax Abatement Agreement	\$ -0-	\$ -0-	\$ 2,612,060
Estimated Taxable Value of Abated Properties <i>After</i> Abatement Expires	\$ 265,472,686	\$ 66,368,171	\$ 2,612,060
Taxable Value <i>Upon Completion</i> of Project (Personal Property and Project Improvements Not Subject to Abatement)	\$ 3,000,000	\$ -0-	\$ 2,612,060

** Estimated Value of Pollution Control Equipment to be exempt.

The above estimated appraised values may account for depreciation over time and may be subject to further change based on actual appraised values as may be established by the Galveston County Appraisal District. Estimated figures relating to taxable value of abated properties after abatement expires are based on impact forecast given by Moak, Casey & Associates to Texas City Independent School District. Taxable value upon completion of the Project for personal property is based on cost of production for annual estimated inventory.

4.4. The Galveston County Appraisal District will establish a separate account or accounts for the Eligible Abatement Property.

V. VALUE AND TERM OF AGREEMENT

5.1. The Abatement provided for in this Agreement shall be effective on the January 1, 2022 valuation date as authorized by Sec. 312.007 of the Tax Code. In each year that this Agreement is in effect, the amount of abatement shall be an amount equal to the percentage as indicated in the Tax Abatement Schedule (“**Schedule**”) below. The appraised value, as defined in the Texas Property Tax Code, of New Eligible Abatement Property must be abated in accordance with the Schedule below:

TAX ABATEMENT SCHEDULE

<u>Tax Year Abated</u>	<u>Percentage of Value Abated</u>
2022	100%
2023	100%
2024	100%
2025	100%
2026	100%
2027	100%
2028	100%
2029	100%
2030	100%
2031	100%

VI. TAXABLE VALUE

6.1. During the period that this tax abatement is effective (“**Abatement Period**”):

- a. The appraised value of Ineligible Abatement Property shall be fully taxable; and
- b. The appraised value, as defined in the Texas Property Tax Code, of New Eligible Abatement Property shall be abated as set forth above under Article V entitled “**VALUE AND TERM OF AGREEMENT**”.

VII. CONTEMPLATED IMPROVEMENTS

7.1. As set forth in Company’s Application dated July 24, 2019, which is incorporated herein for all purposes, Company represents that it will construct the Improvements, with a guaranteed minimum value of \$450,000,000 (all such Improvements, the “**Project**”) within five years of the effective date of this Agreement. During the Construction Phase, Company may make

such change orders relating to the construction of the New Eligible Abatement Property as are reasonably necessary to accomplish its intended use but in no event shall that mean a reduction in the guaranteed minimum value of the Project. All Improvements shall be completed in accordance with all applicable laws, ordinances, rules, or regulations.

VIII. LIABILITY

8.1. No Assumption by the Parties: By executing and performing in accordance with this Agreement, Company assumes no obligation, duty or other responsibility with regard to any governmental function or service for which the College is responsible that is not otherwise addressed by this Agreement. In addition, Company assumes no legal liability for the actions of the College through Company's execution of and performance under this Agreement. Likewise, the College assumes no obligation, duty or other responsibility with regard to any duty, right, obligation or responsibility associated with the Improvements for which Company is responsible that is not otherwise addressed by this Agreement. In addition, the College assumes no legal liability for the actions of Company or its successors or assigns by virtue of the College's execution of this Agreement.

8.2. Agents: Each Party to this Agreement agrees that it shall have no liability for the actions or omissions of the employees, agents, directors, members, trustees or representatives of any other Party, and each Party is solely responsible for the actions and omissions of its own employees, agents, directors, members, trustees or representatives.

8.3. Governmental Immunity: Nothing in this Agreement shall constitute a waiver by the College of its governmental or sovereign immunity.

IX. EVENTS OF DEFAULT / TERMINATION

9.1. Events of Default: Following the Parties' execution of this Agreement, the College may declare Company in default hereunder if Company:

- a. fails to commence construction of the Improvements within two (2) years from the date this Agreement is executed, or
- b. fails to complete construction or place the Improvements in service by December 31, 2024; or
- c. breaches in any material respect any representation given in this Agreement.

9.2. Notice and Right to Cure Events of Default: If the College declares that Company is in default under this Agreement, the College must notify Company in writing. If Company's default is not cured within sixty (60) days from the date of such notice ("Cure Period"), then, as the sole and exclusive remedy of the College for such default, the College may terminate this Agreement by providing further written notice thereof to Company. If Company's default cannot with due diligence be cured within the Cure Period, then subject to the provisions of Section 9.2(a) below, the Cure Period shall be automatically extended for so long as Company is using commercially reasonable efforts to continue to cure Company's default if Company (i) notifies the College of Company's intention to institute steps reasonably necessary to cure Company's default, (ii) institutes steps to cure Company's default and uses commercially reasonable efforts to pursue the remedy of Company's default, and (iii) if applicable, submits a proposed schedule for the completion of the Improvements, a reasonable explanation concerning the reason for the delay, and a reasonable estimate of the overall percent of the Improvements that is completed as of the date of the College's notice of default.

- a. If after extending the Cure Period in accordance with this Section 9.2, Company has not cured its default within two hundred forty (240) days from the date the College delivered its written notice to Company and the College and Company mutually agree that the continued use of commercially reasonable efforts to cure such default will not be successful, then there shall be no Abatement, as provided for herein, for the year in which the Company's default first occurred.
- b. In no event shall this Section 9.2. supersede Sections 9.3 through 9.6 below.

9.3. Grounds for Termination: In the event Company (i) allows its ad valorem taxes on the Improvements or Ineligible Abatement Property to become delinquent or fails to timely and properly follow the legal procedures for the protest and appeal of the ad valorem taxes on the Improvements or Ineligible Abatement Property in accordance with this Agreement, or (ii) defaults under this Agreement and fails to cure as provided by Section 9.2, then the College may terminate this Agreement.

9.4. Recapture of Taxes for Default: In the event the College terminates this Agreement pursuant to the provisions of this Article IX as a result of an event of default set forth in

Section 9.1(a), 9.1(b), or 9.1(c), the College shall be entitled to recapture all taxes previously abated pursuant to this Agreement. The recaptured taxes shall be the amount equal to (i) the amount of taxes that would have been due for the tax year in which the Company's default occurred *plus* (ii) the amount of taxes that would have been due for all prior tax years with respect to New Eligible Abatement Property if such taxes had not been abated by virtue of this Agreement, which total amount shall be paid by Company to the College within sixty (60) days of the termination, together with all penalties and interest as required by the Texas Property Tax Code.

9.5. Recapture of Taxes for Termination: In the event the College terminates this Agreement pursuant to the provisions of this Article IX as a result of any event of default set forth in Section 9.1 or for the reasons set forth in clause "(i)" of Section 9.3 hereof, the College shall be entitled to recapture taxes previously abated pursuant to this Agreement in an amount equal to (i) the amount of taxes that would have been due for the tax year in which the ground for termination occurred *plus* (ii) the amount of taxes that would have been due for immediate prior tax year with respect to New Eligible Abatement Property if such taxes had not been abated by virtue of this Agreement, which total amount shall be paid by Company within sixty (60) days of the termination, together with all penalties and interest as required by the Texas Property Tax Code.

9.6. Discontinuation of Production: In the event the Improvements are completed and Company begins producing product or services, but subsequently discontinue producing product or services for any reason (excepting fire, explosion, or other casualty, accident, or natural disaster or governmental mandate or declaration of force majeure under any agreement entered into by Company) for a period of two (2) years during the Abatement Period, then the College shall have the right to terminate this Agreement by providing thirty (30) days prior written notice to Company; *provided*, that if Company resumes producing product or services prior to the end of such thirty (30) day period, this Agreement shall not terminate. In the event of termination pursuant to the provisions of this Section 9.6, the abatement of the taxes for the calendar year during which the Improvements no longer produce product or services shall terminate, but there shall be no recapture by the College of prior years' taxes abated by this Agreement. The taxes not otherwise previously abated in accordance with this Agreement shall be paid to the College prior to the delinquency date for such year. In no event shall Company be required to pay such taxes within less than sixty (60) days of the date of any such termination pursuant to this Section 9.6.

X. EQUITABLE RELIEF

10.1 The College's sole right of equitable relief under this Agreement shall be its right to terminate this Agreement.

XI. ADMINISTRATION

11.1. Administration by College President: This Agreement shall be administered on behalf of the College by its President or his/her designee pursuant to the College's direction or by such other representative designated by the College. Upon completion of the Improvements, the College may annually evaluate the Improvements to ensure compliance with this Agreement.

11.2. Annual Determination by Appraiser: The Chief Appraiser of the Galveston County Appraisal District shall annually determine (i) the taxable value pursuant to the terms of this Agreement of the real and tangible personal property located within the Reinvestment Zone and (ii) the full taxable value without abatement of the real and tangible personal property located within the Reinvestment Zone. The Chief Appraiser shall record both the abatement taxable value and the full taxable value in the appraisal records. The full taxable value listed in the appraisal records shall be used to compute any recapture. Each year the Company shall furnish the Chief Appraiser with the information required by Chapter 22, Tax Code, V.T.C.A. Such information shall also be provided to the College in preparation of its annual evaluation for compliance with this Agreement.

11.3. College Inspection Rights: Company will provide access to and authorizes inspection of the Eligible Abatement Property by the College employees for the purpose of ensuring that the improvements or repairs thereto are made according to the specifications and conditions of this Agreement.

11.4. Annual Company Compliance Certificate: Company shall annually certify to the College that it is in compliance with all applicable terms of this Agreement.

XII. ASSIGNMENT; JOINDER

12.1. Assignment: Company may assign this Agreement to an Affiliate without the written consent of the College provided that Company shall provide written notice of such assignment to the College. Except as otherwise provided in the immediately preceding sentence, Company may assign this Agreement with the written consent of the College, which consent shall

not be unreasonably withheld, delayed or conditioned. Any assignment shall provide that the assignee shall irrevocably and unconditionally assume all the duties and obligations of the assignor upon the same terms and conditions as set out in this Agreement. No assignment shall be approved if Company or the assignee is delinquent in payment of ad valorem taxes due the College.

12.2. Joinder: The Parties acknowledge and agree that (a) Air Products will construct and own certain of the Improvements and (b) at any time within one year after the date that this Agreement has been validly executed by Company and the College, if Air Products has entered into a ground lease with Eastman for portions of the Property on which its Improvements will be located, Company may cause Air Products to execute the joinder to this Agreement attached hereto as Exhibit E (the “**Joinder**”). From and after the date that Air Products executes and delivers the Joinder to the College, Company, Eastman and Oiltanking, Air Products shall thereafter be deemed a Party to this Agreement, and all references in this Agreement to “Company” shall thereafter be deemed to refer to Gulf Coast Ammonia LLC, a Delaware limited liability company, and Air Products, collectively.

XIII. NOTICE

13.1. Any notice required to be given under the provisions of this Agreement shall be in writing and shall be served when it is deposited, enclosed in a wrapper with the postage prepaid thereon, and by registered or certified mail, return receipt requested, in a United States Post Office, addressed to the College or Company. If mailed, any notice shall be deemed to be received three (3) days after the date of deposit in the United States Mail. Unless otherwise provided in this Agreement, all notices shall be delivered to the following addresses:

To the Company:

GULF COAST AMMONIA LLC
1815 PURDY AVENUE
MIAMI BEACH, FL 33139
ATTN: MR. HAMZA SLIMANI

WITH A COPY TO:

VINSON & ELKINS LLP
1001 FANNIN STREET, SUITE 2500
HOUSTON, TX 77002

ATTN: KAAM SAHELY

To the College:

COLLEGE OF THE MAINLAND
DR. WARREN NICHOLS
PRESIDENT
1200 NORTH AMBURN ROAD
TEXAS CITY, TX 77591

WITH A COPY TO:

DAVID M. FELDMAN
ATTORNEY
3355 WEST ALABAMA STREET, SUITE 1220
HOUSTON, TX 77091

To Eastman:

EASTMAN CHEMICAL COMPANY
P.O. BOX 511
KINGSPORT, TN 37662
ATTN:DAVID GOLDEN
CHIEF LEGAL OFFICER

To Oiltanking:

OILTANKING NORTH AMERICA, LLC
9805 KATY FREEWAY, SUITE 400
HOUSTON, TX 77024
ATTN:NICK BIGNEY
GENERAL COUNSEL

13.2. Either Party may designate a different address by giving the other Party ten (10) days written notice.

XIV. AUTHORITY

14.1. Each of the Parties hereto represents and warrants to the other Party that (i) it has all requisite power and authority to execute and deliver, to perform its obligations under and to consummate the transactions contemplated by this Agreement and (ii) the execution and delivery of this Agreement, the performance of its obligations under, and the consummation by each Party of the transactions contemplated by this Agreement, have been duly authorized by all requisite corporate authority on the part of Company and by all requisite governmental authority on the part

of the College and (iii) upon execution and delivery of this Agreement, this Agreement will constitute valid and binding legal obligations of such Party.

XV. EFFECTIVE DATE

15.1. This Agreement may be executed in counterparts and the effective date of the Agreement shall be the date the Chairman of the Board of Trustees of the College actually executes this Agreement subject to the College's authorization by Resolution and any terms or conditions associated therewith.

XVI. MISCELLANEOUS

16.1. Further Assurances: In the event any further documentation or information is required for this Agreement to be valid, then the Parties to this Agreement shall provide or cause to be provided such documentation or information. The Parties shall execute and deliver such documentation, including but not limited to any amendments, corrections, deletions or additions as necessary to this Agreement; *provided, however*, that the Parties shall not be required to do anything that has the effect of changing the essential economic terms of this Agreement or imposing greater liability on the Parties. The Parties further agree that they shall do anything necessary to comply with any requirements to enable the full effect of this Agreement; *provided, however*, that the Parties shall not be required to do anything that has the effect of changing the essential economic terms of this Agreement or imposing greater liability on the Parties.

16.2. Recordation: The College agrees to record a certified copy of this Agreement in the Deed Records of Galveston County, Texas, and to request that the chief appraiser of Galveston County Appraisal District deliver, by July 1 of the year following the year in which the abatement agreement is executed, a copy of this tax abatement agreement to the Texas Comptroller of Public Accounts pursuant to Texas Tax Code Sec. 312.005(a)(2).

16.3. Governing Law; Venue: This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District Court of Galveston County, Texas.

16.4. Modification: This Agreement shall be subject to change, modification or, except in the event of default which has not been cured as provided herein, termination, only with the

mutual written consent of the College and Company unless otherwise specifically provided for herein.

16.5. Disclaimer: Nothing herein shall confer upon any person, firm or other entity other than the Parties hereto any benefit or any legal or equitable right, remedy or claim under this Agreement. All obligations hereunder of the Parties hereto shall be binding upon their respective successors and assigns.

16.6. Waivers: Waiver of any term, condition or provision of this Agreement by any Party shall only be effective if in writing and shall not be construed as a waiver of any subsequent breach of, or failure to comply with, the same term, condition or provision, or a waiver of any other term, condition or provision of this Agreement.

16.7. Approvals or Consents: Approvals or consents required or permitted to be given under this Agreement shall be evidenced by resolution or minute order adopted by the governing body or board of the appropriate Party or by a certificate executed by a person, firm or entity previously authorized to give such approval or consent on behalf of a Party. Approvals and consents shall be effective without regard to whether given before or after the time required for giving such approvals or consents.

16.8. Parties in Interest: This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third Parties.

16.9. Merger: This Agreement and its incorporated Exhibits contains all of the terms and conditions of the understanding of the Parties relating to the subject matter hereof. All prior negotiations, discussions, correspondence, and preliminary understandings between the Parties and others relating hereto or relating to the subject matter hereof are superseded by this Agreement.

16.10. Authorization: Each of the Parties represents and warrants that its undersigned representative has been expressly authorized to execute this Agreement for and on behalf of such Party.

16.11. Severability: If any term, provision or condition of this Agreement, or any application thereof, is held invalid, illegal or unenforceable in any respect under any Law (as hereinafter defined), this Agreement shall be reformed to the extent necessary to conform, in each case consistent with the intention of the Parties, to such Law, and to the extent such term, provision or condition cannot be so reformed, then such term, provision or condition (or such invalid, illegal or unenforceable application thereof) shall be deemed deleted from (or prohibited under) this

Agreement, as the case may be, and the validity, legality and enforceability of the remaining terms, provisions and conditions contained herein (and any other application of such term, provision or condition) shall not in any way be affected or impaired thereby. Upon such determination that any term or other provision is invalid, illegal or incapable of being enforced, the Parties hereto shall negotiate in good faith to modify this Agreement in a mutually acceptable manner so as to effect the original intent of the Parties as closely as possible to the end that the transactions contemplated hereby are fulfilled to the extent possible. As used in this Section 16.11, the term "Law" shall mean any applicable statute, law (including common law), ordinance, regulation, rule, ruling, order, writ, injunction, decree or other official act of or by any federal, state or local government, governmental department, commission, board, bureau, agency, regulatory authority, instrumentality, or judicial or administrative body having jurisdiction over the matter or matters in question.

16.12. Payment of Expenses: Except as otherwise expressly provided in this Agreement, or as covered by the application fee, (i) each of the Parties shall pay its own costs and expenses relating to this Agreement, including, but not limited to, its costs and expenses of the negotiations leading up to this Agreement, and of its performance and compliance with this Agreement, and (ii) in the event of a dispute between the Parties in connection with this Agreement, the prevailing Party in the resolution of any such dispute, whether by litigation or otherwise, shall be entitled to full recovery of all reasonable and necessary attorneys' fees (including a reasonable hourly fee for in-house legal counsel), costs and expenses incurred in connection therewith, including costs of court, from the non-prevailing Party to the extent allowed by law.

16.13. Force Majeure: In the event either Party is rendered unable, wholly or in part, by Force Majeure to carry out any of its obligations under this Agreement, except the obligation to pay amounts owed or required to be paid pursuant to the terms of this Agreement, then the obligations of such Party, to the extent affected by such Force Majeure and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused to the extent provided but for no longer period. As soon as reasonably possible after the occurrence of the Force Majeure relied upon, the Party whose contractual obligations are affected thereby shall give notice and full particulars of such Force Majeure to the other Party. Such cause, as far as possible, shall be remedied with all reasonable diligence. Notwithstanding the foregoing, in no event shall the tax abatement provided for in this Agreement exceed a period of ten (10) years, in accordance with state law.

16.14. Interpretation: When a reference is made in this Agreement to a Section, Article or Exhibit, such reference shall be to a Section or Article of, or Exhibit to, this Agreement unless otherwise indicated. The headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement. The words “include,” “includes” and “including” when used in this Agreement shall be deemed in such case to be followed by the phrase “but not limited to” words used in this Agreement, regardless of the number or gender specifically used, shall be deemed and construed to include any other number, singular or plural, and any other gender, masculine, feminine or neuter, as the context shall require. This Agreement is the joint product of the Parties and each provision of this Agreement has been subject to the mutual consultation, negotiation and agreement of each Party and shall not be construed for or against any Party.

16.15. No Consent to Suit: Nothing in this Agreement shall be construed as express or implied consent by the College to being sued.

16.16. Counterparts: This complete Agreement has been executed by the Parties in multiple originals, each having full force and effect.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

EASTMAN CHEMICAL TEXAS CITY, INC.
a Delaware corporation

By: Clark L. Jordan

Name: Clark L. Jordan

Title: Authorized Representative, Eastman Chemical Texas City, Inc.

11/27/19
(Date)

ATTEST:

Becky Flanary
(Signature)

Becky Flanary
Sr. Executive Team Assistant
(Printed Name and Title)

ACKNOWLEDGMENT

STATE OF TENNESSEE §
 §
COUNTY OF SULLIVAN §

Before me, the undersigned authority on this day personally appeared Clark L. Jordan, Authorized Person authorized by the Sole Director of Eastman Chemical Texas City, Inc., the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said Delaware corporation.

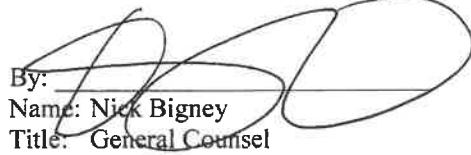
Given under my hand and seal of office this the 27th day of Nov. 2019.



Karen Taylor
Notary Public in and for the State of Tennessee


My commission expires: 4/29/23

OILTANKING NORTH AMERICA, LLC.
a Delaware limited liability company

By: 
Name: Nick Bigney
Title: General Counsel

December 3, 2019
(Date)

ATTEST:



(Signature)
Frank Rodriguez - Director, Commercial
(Printed Name and Title)

ACKNOWLEDGMENT

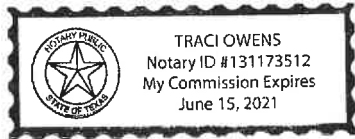
STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, the undersigned authority on this day personally appeared Nick Bigney, General Counsel of Oiltanking North America, LLC, the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said Delaware limited liability company.

Given under my hand and seal of office this the 3rd day of December 2019.


Notary Public in and for the State of Texas

My commission expires: June 15, 2021



GULF COAST AMMONIA LLC
a Delaware limited liability company

By: *Kenneth A. Koye*
Name: Kenneth A. Koye
Title: CEO & Managing Director
12-04-19
(Date)

ATTEST:

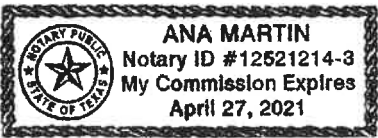
Lynette Downs
(Signature)
Lynette Downs, Counsel
(Printed Name and Title)

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, the undersigned authority on this day personally appeared Kenneth A. Koye, CEO & Managing Director of Gulf Coast Ammonia LLC, the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said Delaware limited liability company.


Given under my hand and seal of office this the 4th day of December 2019.



Ana Martin
Notary Public in and for the State of Texas
My commission expires: 04/27/2021

COLLEGE OF THE MAINLAND

By:

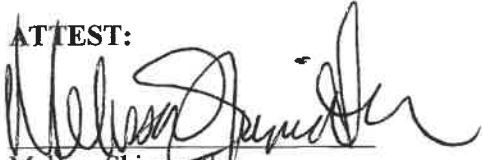


Kyle Dickson

Chair, Board of Trustees

December 11, 2019
(Date)

ATTEST:



Melissa Skipworth
Board Secretary

ACKNOWLEDGMENT

STATE OF TEXAS

§

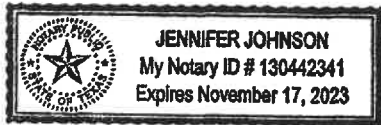
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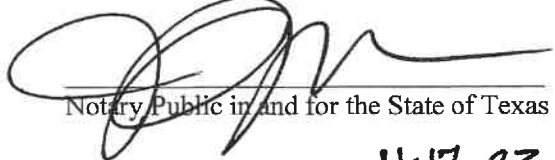
COUNTY OF GALVESTON

§

Before me, the undersigned authority on this day personally appeared Kyle Dickson, Chairman, Board of Trustees, College of the Mainland, a special district located in Texas City, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said district.

Given under my hand and seal of office this 11th day of December 2019.





Notary Public in and for the State of Texas

My commission expires: 11-17-23

SCHEDULE OF EXHIBITS

- Exhibit A – Texas City Ordinance 17-16 (Reinvestment Zone Ordinance)
Texas City Ordinance 17-32 (Ordinance Amending Reinvestment Zone)
Texas City Ordinance 19-23 (Ordinance Amending Reinvestment Zone)
- Exhibit B – Gulf Coast Ammonia LLC Tax Abatement Application
- Exhibit C – Resolution No. 2017-04 (Abatement Resolution)
- Exhibit D – Resolution No. 19-01 (Tax Abatement Guidelines & Criteria)
- Exhibit E – Air Products Joinder

Exhibit A
Texas City Ordinance 17-16 (Reinvestment Zone Ordinance)
Texas City Ordinance 17-32 (Ordinance Amending Reinvestment Zone)
Texas City Ordinance 19-23 (Ordinance Amending Reinvestment Zone)

See Attached

ORDINANCE NO. 17-16

AN ORDINANCE OF THE CITY OF TEXAS CITY, TEXAS DESIGNATING A REINVESTMENT ZONE KNOWN AS THE "TEXAS CITY GULF COAST REINVESTMENT ZONE NO. 1" FOR PURPOSES OF COMMERCIAL-INDUSTRIAL TAX ABATEMENT; MAKING NECESSARY FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of Texas City, Texas (the "City") desires to make available tax abatement relief in the area designated by this Ordinance to encourage the development of primary employment and to attract major investment;

WHEREAS, the City adopted Resolution 16-78 on October 19, 2016 whereby it elected to become eligible to participate in tax abatement pursuant to the Property Redevelopment and Tax Abatement Act, Tex. Tax. Code Chapter 312, Sec. 312.002;

WHEREAS, the City adopted Resolution 17-002 on January 18, 2017 whereby it adopted guidelines and criteria governing tax abatement agreements pursuant to the Tex. Tax. Code Sec. 312.002;

WHEREAS, the City properly complied with the notice requirements pursuant to Section 312.201(d) and conducted a public hearing during its duly noticed public meeting held on Wednesday, May 17, 2017 at 5:00 p.m., regarding the designation of the area identified in the attached Exhibit "A-1" and "A-2" as a reinvestment zone for commercial-industrial tax abatement purposes, the deeds and legal descriptions of which are a matter of public record in the Galveston County Real Property Records and in the office of the City Secretary of Texas City, Texas;

WHEREAS, the City Commission finds that the improvements sought within the designated reinvestment zone are feasible and practical and would be a benefit to the land to be included in the zone and to the City after the expiration of a tax abatement agreement entered under Tex. Tax. Code Sec. 312.204;

WHEREAS, the City Commission finds that the designation of the reinvestment zone is reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment in such reinvestment zone that will be a benefit to the property and will contribute to the economic development of the City of Texas City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

Section 1. Designation of Reinvestment Zone. That pursuant to Chapter 312 of Texas Tax Code, the City of Texas City hereby designates the following described real property as a reinvestment zone for the purposes of commercial-industrial tax abatement which shall hereinafter be called "Texas City Gulf Coast Reinvestment Zone No. 1", to wit:

That portion of real property identified by Property ID 223922, being an approximate fourteen (14) acre portion of land contained within that geographical area located south of 2nd Avenue, east of 5th Street, west of 3rd Street and north of the property line for Property ID 223922 as depicted in Exhibit A-1 attached hereto; and

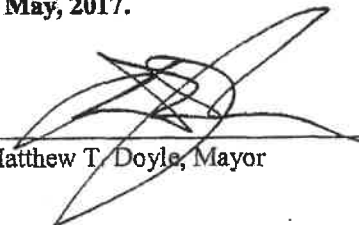
That portion of real property identified by Property ID 182510, being an approximate seven (7) acre portion of land contained within that geographical area identified in Exhibit A-2 attached hereto.

Section 2. Declaration of Eligible Property. That the City of Texas City hereby declares eligible for property tax abatement all eligible real and tangible personal property for commercial-industrial development, now or thereafter located in the "Texas City Gulf Coast Reinvestment Zone No. 1" as authorized by the City of Texas City guidelines and criteria for granting tax abatements in reinvestment zones and Chapter 312 of the Texas Tax Code.


Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effective date. This Ordinance shall be effective upon its adoption.

PASSED and ADOPTED on this 17th day of May, 2017.


Matthew T. Doyle, Mayor

ATTEST:


James Hartshorn
City Secretary

APPROVED AS TO FORM:

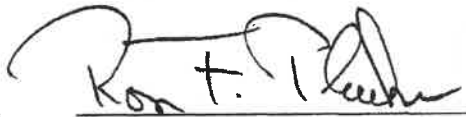

Ron F. Plackemeier
City Attorney

EXHIBIT "A-1"

GALVESTON CAD PROPERTY ID: R223922 (PORTION)

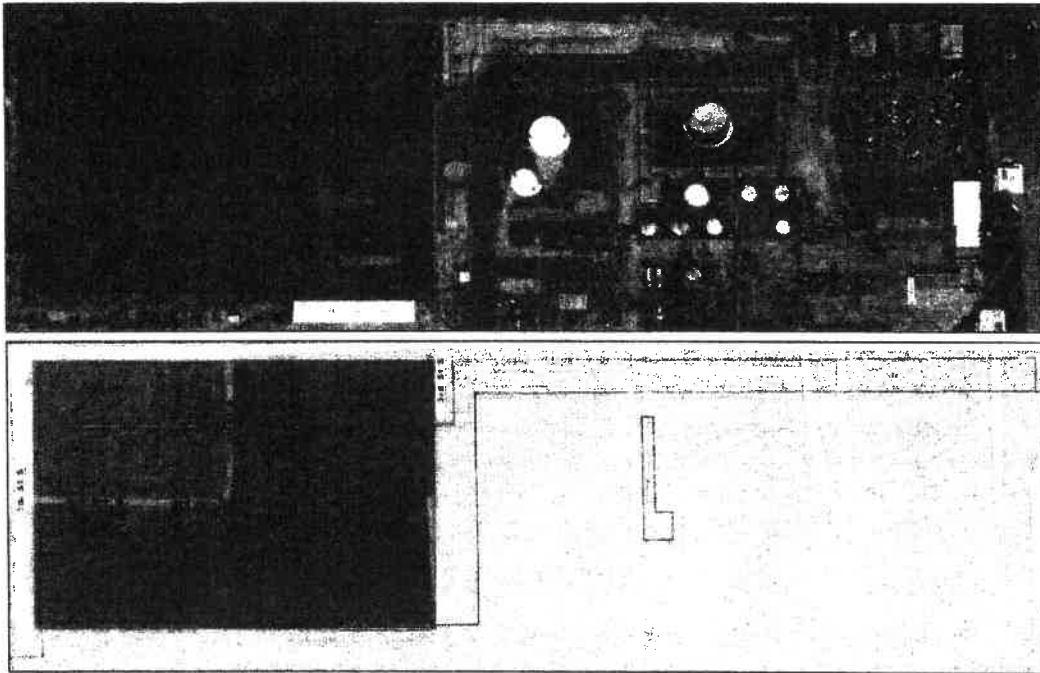
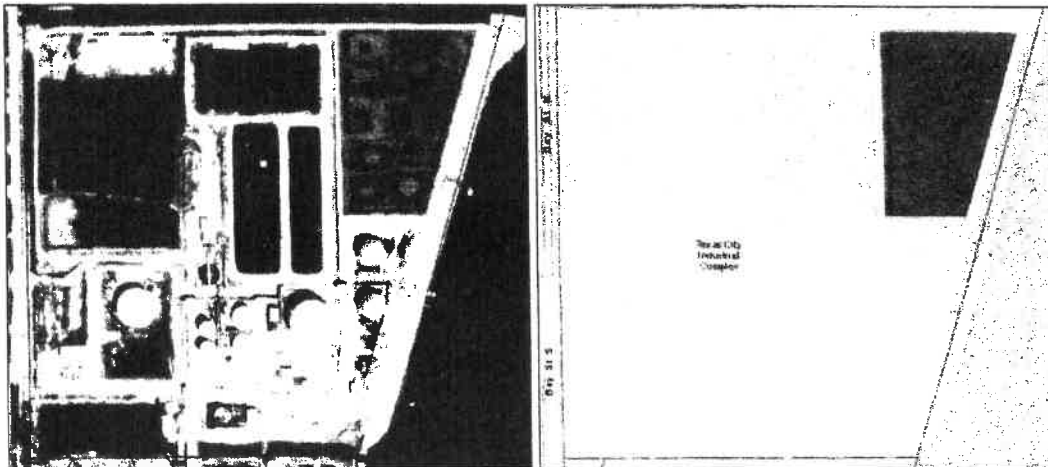


EXHIBIT "A-2"

GALVESTON CAD PROPERTY ID: R182510 (PORTION)



**Gulf Coast Ammonia
Galveston County, City of Texas City & College of the Mainland
Property Taxes & Chapter 312/380 Agreement PILOTS and Donations**

Collector	Type	2021 Amount Paid	2022 Amount Paid	2023 Amount Paid	2024 Amount Due by 1/31/2025
Galveston Co Tax Ofc	County, College, Road Taxes ¹		60,392.76	0.08	-
Galveston Co Tax Ofc	Chap 312 Agreement PILOT (2022-2031)		2,000,000.00	2,000,000.00	2,000,000.00
City of Texas City	Chap 312/380 Agreement PILOT (2022-2031)		750,000.00	750,000.00	750,000.00
City of Texas City	Charitable Contribution Agreement (2021-2030) ²	100,000.00	100,000.00	100,000.00	100,000.00

¹2022 Taxes paid on supplies and parts at laydown yard (value not subject to 312 agreements). 2023 Taxes were paid and attributed to a rounding error.

²The Charitable Contribution and Pledge Agreement stipulates "Donor shall pay the first annual donation on or before January 31, 2022". Total number of donations will equal 10 coinciding with 10-year term of abatement with City of Texas City.

10/23/2024

Prepared by Cummings Westlake

Gulf Coast Ammonia
2023



CUMMINGS WESTLAKE
PROPERTY TAX ADVISORS

Gulf Coast Ammonia, LLC
2023 Tax Payment Verification

Payment Due Date: January 31, 2024

Check Amount: \$0.08

Pay To: Galveston County Tax Office
722 Moody Avenue
Galveston, TX 77550

Jurisdictions: Galveston County College
City of Texas City Road & Flood

Account No.	Asset Description	Market Value	County Taxable	Effective Tax Rate	Tax
744221	Ammonia Plant Improvements (CWIP)	130,563,810	2.00	0.01500	0.03
744222	Marine Loading, Tank Storage, 2.6 mi 8" Pipe	64,235,655	5.00	0.01500	0.05
			7.00		0.08

Verified by: 

2023 TAX STATEMENT



CHERYL E. JOHNSON, PCC
 GALVESTON COUNTY TAX ASSESSOR-COLLECTOR
 722 Moody
 Galveston, TX 77550

Certified Owner:
 GULF COAST AMMONIA, LLC
 ATTN: PROPERTY TAX DEPARTMENT
 9805 KATY FWY STE 400
 HOUSTON, TX 77024-1269

Legal Description:
 AMMONIA PLANT@ EASTMAN CHEMICALSAGE
 CWL 849896 R USE: L2

Account No: 744221

Appr. Dist. No.: A0842001981000010

Legal Acres: .0000

Parcel Address:

As of Date: 11/28/2023

Print Date: 11/28/2023

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$0	\$130,563,810	\$130,563,810	\$130,563,810	\$0	\$0	\$0	\$130,563,810

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax	
		Code	Amount				
GALVESTON CO	\$130,563,810	ABT	\$130,563,808.00		\$2	0.3341470	\$0.01
ROAD & FLOOD	\$130,563,810	ABT	\$130,563,808.00		\$2	0.0077530	\$0.00
TEXAS CITY \$.00	\$130,563,810	ABT	\$130,563,808.00		\$2	0.4900000	\$0.01
COLL OF THE MAINLAND	\$130,563,810	ABT	\$130,563,808.00		\$2	0.2685000	\$0.01

Total Tax: \$0.03
 Total Tax Paid to date: \$0.00
 Total Tax Remaining: \$0.03

Exemptions:
 ABT ABATEMENT

AMOUNT DUE IF PAID BY:

11/30/2023 0%	01/01/2024 0%	01/31/2024 0%	02/29/2024 7%	04/01/2024 9%	04/30/2024 11%
\$0.03	\$0.03	\$0.03	\$0.03	\$0.03	\$0.03

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.174 ✂

Print Date: 11/28/2023

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

Galveston County Tax Office
 722 Moody
 Galveston, Texas 77550
 409-766-2481, 1-877-766-2284



744221
 GULF COAST AMMONIA, LLC
 ATTN: PROPERTY TAX DEPARTMENT
 9805 KATY FWY STE 400
 HOUSTON, TX 77024-1269

AMOUNT PAID:
 \$ _____

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2023 TAX STATEMENT



CHERYL E. JOHNSON, PCC
 GALVESTON COUNTY TAX ASSESSOR-COLLECTOR
 722 Moody
 Galveston, TX 77550

Certified Owner:
 GULF COAST AMMONIA, LLC
 ATTN: PROPERTY TAX DEPARTMENT
 9805 KATY FWY STE 400
 HOUSTON, TX 77024-1269

Legal Description:
 AMMONIA TANK & MARINE LOADING@
 ADVARIOAGENT: CWL 849896 R USE: L2

Account No: 744222

Appr. Dist. No.: A0842001981000020

Legal Acres: .0000

Parcel Address:

As of Date: 11/28/2023

Print Date: 11/28/2023

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$0	\$64,235,660	\$64,235,660	\$64,235,660	\$0	\$0	\$0	\$64,235,660

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
GALVESTON CO	\$64,235,660	ABT	\$64,235,655.00	\$5	0.3341470	\$0.02
ROAD & FLOOD	\$64,235,660	ABT	\$64,235,655.00	\$5	0.0077530	\$0.00
TEXAS CITY	\$64,235,660	ABT	\$64,235,655.00	\$5	0.4900000	\$0.02
COLL OF THE MAINLAND §.01	\$64,235,660	ABT	\$64,235,655.00	\$5	0.2685000	\$0.01

Total Tax: \$0.05
 Total Tax Paid to date: \$0.00
 Total Tax Remaining: \$0.05

Exemptions:
 ABT ABATEMENT

AMOUNT DUE IF PAID BY:

11/30/2023 0%	01/01/2024 0%	01/31/2024 0%	02/29/2024 7%	04/01/2024 9%	04/30/2024 11%
\$0.05	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.174

Print Date: 11/28/2023

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

Galveston County Tax Office
 722 Moody
 Galveston, Texas 77550
 409-766-2481, 1-877-766-2284



744222
 GULF COAST AMMONIA, LLC
 ATTN: PROPERTY TAX DEPARTMENT
 9805 KATY FWY STE 400
 HOUSTON, TX 77024-1269

AMOUNT PAID:
 \$ _____

0000000744222 0000000005 0000000005 0000000005 0000000005 7



CUMMINGS WESTLAKE
PROPERTY TAX ADVISORS

Gulf Coast Ammonia, LLC
2023 Payment in Lieu of Taxes Verification

Payment Due Date: January 31, 2024


Check Amount: \$2,000,000.00

Pay To: Galveston County
Attn: Vanessa Chavez
Auditor's Office
PO Box 1418
Galveston, TX 77553
(409) 770-5322

Jurisdictions: Galveston County

Invoice #	Description	PILOT
	Chapter 312 Tax Abatement Agreement Payment in Lieu of Taxes	2,000,000.00
		2,000,000.00

Verified by:



The County of Galveston
Attn: Vanessa Chavez - Auditor's Office
P.O. Box 1418
Galveston, Texas 77553
(409) 770-5322

TO:

Kenneth A Koye - CEO & Managing Director
Gulf Coast Ammonia LLC
9805 Katy Fwy, Suite 400
Houston, Texas 77024

Invoice # AR240254

Invoice Date 12/4/2023

Pymt Due Date 1/4/2024

Invoice Amount

\$2,000,000.00

Description					Amount Due
Per Chapter 312 Tax Abatement Agreement with Galveston County, billing for tax year 2023 PILOT					\$2,000,000.00
Prepared By: Vanessa Chavez					
Current	Over 30 Days	Over 60 Days	Over 90 Days	Customer Number	Total Amount
\$2,000,000.00	\$ -	\$ -	\$ -	A00120	Due \$2,000,000.00

Please mail a copy of this invoice with your remittance to the above address and make checks payable to County of Galveston



CUMMINGS WESTLAKE
PROPERTY TAX ADVISORS

Gulf Coast Ammonia, LLC
2023 Payment in Lieu of Taxes Verification

Payment Due Date: January 31, 2024

Per the CH380 agreement, Section 2.1, payment is due no later than January 31st of the year following the applicable tax year.

Check Amount: \$750,000.00

Pay To: City of Texas City
1801 9th Avenue N.
PO Box 2608
Texas City, TX 77590
(409) 948-3111

Jurisdictions: Texas City

Invoice #	Description	PILOT
1920	Chapter 380 Economic Development & Performance Agreement Payment in Lieu of Taxes	750,000.00
		750,000.00

Verified by:

Wiring instructions attached.



CITY OF TEXAS CITY
1801 9TH AVENUE NORTH
PO BOX 2608
TEXAS CITY, TX 77592-2608
(409) 948-3111 - FAX (409) 942-1073

INVOICE

Invoice Date	Invoice No.
12/14/2023	1920
Customer Number	
34292	
Invoice Total Due	
\$750,000.00	
Payment Terms	
NET 30 DAYS	

IN LIEU OF PROPERTY TAX 380

GULF COAST AMMONIA, LLC
C/O CONSOLIDATED ASSET
MANAGEMENT SERVICES
910 LOUISIANA ST., STE 2400
HOUSTON, TX 77002

Description	Original Bill	Adjustment	Paid	Amount Due
MISCELLANEOUS BILLING	\$750,000.00	\$0.00	\$0.00	\$750,000.00
Please put Invoice Number on your check. Make Checks Payable to: City of Texas City		Invoice Total:	\$750,000.00	



CUMMINGS WESTLAKE
PROPERTY TAX ADVISORS

Gulf Coast Ammonia, LLC
2023 Charitable Contribution Verification

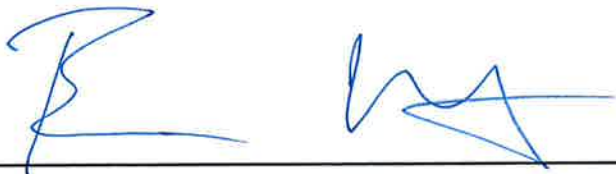
Payment Due Date: January 31, 2024

Per the CH380 agreement, Section 2.1, payment is due no later than January 31st of the year following the applicable tax year.

Check Amount: \$100,000.00

Pay To: City of Texas City
1801 9th Avenue N.
PO Box 2608
Texas City, TX 77590
(409) 948-3111

Invoice #	Description	PILOT
1921	Charitable Contribution & Pledge Agreement	100,000.00
		100,000.00

Verified by: 

Wiring instructions attached.



CITY OF TEXAS CITY
1801 9TH AVENUE NORTH
PO BOX 2608
TEXAS CITY, TX 77592-2608
(409) 948-3111 - FAX (409) 942-1073

INVOICE

Invoice Date	Invoice No.
12/14/2023	1921
Customer Number	
34292	
Invoice Total Due	
\$100,000.00	
Payment Terms	
NET 30 DAYS	

GULF COAST AMMONIA, LLC
C/O CONSOLIDATED ASSET
MANAGEMENT SERVICES
910 LOUISIANA ST., STE 2400
HOUSTON, TX 77002

Description	Original Bill	Adjustment	Paid	Amount Due
MISC BILLING TC CULT ARTS FOUNDATION	\$90,000.00	\$0.00	\$0.00	\$90,000.00
MISC BILLING TC HIST PRESERVATION CORP	\$10,000.00	\$0.00	\$0.00	\$10,000.00
Please put Invoice Number on your check. Make Checks Payable to: City of Texas City		Invoice Total:	\$100,000.00	

Gulf Coast Ammonia
2022



CUMMINGS WESTLAKE
PROPERTY TAX ADVISORS

2022 Tax Payment Verification
Gulf Coast Ammonia

Payment Due Date: January 31, 2023

Check Amount: \$60,392.76

Pay To: Galveston County Tax Office
722 Moody Avenue
Galveston, TX 77550

Jurisdictions: Galveston County College
City of Texas City Road & Flood

Account No.	Asset Description	Market Value	County Taxable	Effective Tax Rate	Tax
744221	Plant Improvements (CWIP)	47,945,520	5	0.00000	0.05
744222	Supplies (Laydown Yard offsite)	5,327,280	5,327,280	0.01134	60,392.71
			5,327,285		60,392.76

Verified by:



2022 TAX STATEMENT



CHERYL E. JOHNSON, PCC
 GALVESTON COUNTY TAX ASSESSOR-COLLECTOR
 722 Moody
 Galveston, TX 77550

Certified Owner:
 GULF COAST AMMONIA, LLC
 ATTN: PROPERTY TAX DEPARTMENT
 1815 PURDY AVE
 MIAMI BEACH, FL 33139-1425

Legal Description:
 AMMONIA PLANT@ EASTMAN CHEMICALS8498
 R USE: L2

Account No: 744221

Appr. Dist. No.: A0842001981000010

Legal Acres: .0000

Parcel Address:

As of Date: 12/12/2022

Print Date: 12/12/2022

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$0	\$47,945,520	\$47,945,520	\$47,945,520	\$0	\$0	\$0	\$47,945,520

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
GALVESTON CO	\$47,945,520	ABT	\$47,945,515.00	\$5	0.3675870	\$0.02
ROAD & FLOOD	\$47,945,520	ABT	\$47,945,515.00	\$5	0.0084430	\$0.00
TEXAS CITY	\$47,945,520	ABT	\$47,945,515.00	\$5	0.4900000	\$0.02
<i>s.01</i> COLL OF THE MAINLAND	\$47,945,520	ABT	\$47,945,515.00	\$5	0.2676200	\$0.01

Total Tax: \$0.05
 Total Tax Paid to date: \$0.00
 Total Tax Remaining: \$0.05

Exemptions:

ABT ABATEMENT

AMOUNT DUE IF PAID BY:

01/02/2023 0%	01/31/2023 0%	02/28/2023 7%	03/31/2023 9%	05/01/2023 11%	05/31/2023 13%
\$0.05	\$0.05	\$0.05	\$0.05	\$0.05	\$0.05

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.74 ✂

Print Date: 12/12/2022

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

Galveston County Tax Office
 722 Moody
 Galveston, Texas 77550
 409-766-2481, 1-877-766-2284



744221
 GULF COAST AMMONIA, LLC
 ATTN: PROPERTY TAX DEPARTMENT
 1815 PURDY AVE
 MIAMI BEACH, FL 33139-1425

AMOUNT PAID:
 \$ _____

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2022 TAX STATEMENT



CHERYL E. JOHNSON, PCC
GALVESTON COUNTY TAX ASSESSOR-COLLECTOR
 722 Moody
 Galveston, TX 77550

Certified Owner:

GULF COAST AMMONIA, LLC
 ATTN: PROPERTY TAX DEPARTMENT
 1815 PURDY AVE
 MIAMI BEACH, FL 33139-1425

Legal Description:

LAYDOWN YARDOFF-SITE849896 R USE: L2

Account No: 744222

Appr. Dist. No.: A0842001981000020

Legal Acres: .0000

As of Date: 12/12/2022

Parcel Address:

Print Date: 12/12/2022

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$0	\$5,327,280	\$5,327,280	\$5,327,280	\$0	\$0	\$0	\$5,327,280

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
GALVESTON CO	\$5,327,280		\$0.00	\$5,327,280	0.3675870	\$19,582.39
ROAD & FLOOD	\$5,327,280		\$0.00	\$5,327,280	0.0084430	\$449.78
TEXAS CITY	\$5,327,280		\$0.00	\$5,327,280	0.4900000	\$26,103.67
\$5,688.95 COLL OF THE MAINLAND	\$5,327,280		\$0.00	\$5,327,280	0.2676200	\$14,256.87

Total Tax: \$60,392.71
Total Tax Paid to date: \$0.00
Total Tax Remaining: \$60,392.71

Exemptions:

AMOUNT DUE IF PAID BY:

01/02/2023 0%	01/31/2023 0%	02/28/2023 7%	03/31/2023 9%	05/01/2023 11%	05/31/2023 13%
\$60,392.71	\$60,392.71	\$64,620.20	\$65,828.06	\$67,035.91	\$68,243.76

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.74



Print Date: 12/12/2022

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:



Galveston County Tax Office
 722 Moody
 Galveston, Texas 77550
 409-766-2481, 1-877-766-2284



744222
 GULF COAST AMMONIA, LLC
 ATTN: PROPERTY TAX DEPARTMENT
 1815 PURDY AVE
 MIAMI BEACH, FL 33139-1425

AMOUNT PAID:
 \$ _____

000000744222 0006039271 0006039271 0006462020 0006582806 8



CUMMINGS WESTLAKE
PROPERTY TAX ADVISORS

2022 Payment in Lieu of Taxes Verification
Gulf Coast Ammonia

Payment Due Date: January 31, 2023

Check Amount: \$2,000,000.00

Pay To: Galveston County
Attn: Honorable Mark Henry
County Judge
722 Moody Street, Suite 200
Galveston, TX 77550

Jurisdictions: Galveston County

Invoice #	Description	PILOT
	Chapter 312 Tax Abatement Agreement Payment in Lieu of Taxes	2,000,000.00
		2,000,000.00

Verified by: _____

The County of Galveston
Attn: Vanessa Chavez - Auditor's Office
P.O. Box 1418
Galveston, Texas 77553
(409) 770-5322

TO:

Kenneth A Koye - CEO & Managing Director
Gulf Coast Ammonia LLC
9805 Katy Fwy, Suite 400
Houston, Texas 77024

Invoice #	AR230304
Invoice Date	12/27/2022
Pymt Due Date	1/27/2023
Invoice Amount	\$2,000,000.00

Description	Amount Due
Per Chapter 312 Tax Abatement Agreement with Galveston County, billing for tax year 2022 PILOT	\$2,000,000.00

Prepared By: Vanessa Chavez

Current	Over 30 Days	Over 60 Days	Over 90 Days	Customer Number	Total Amount Due
\$2,000,000.00	\$ -	\$ -	\$ -	A00120	\$2,000,000.00

Please mail a copy of this invoice with your remittance to the above address and make checks payable to County of Galveston

CHAPTER 312

TAX ABATEMENT AGREEMENT

BETWEEN

GALVESTON COUNTY,

GULF COAST AMMONIA LLC,

EASTMAN CHEMICAL TEXAS CITY, INC,

AND

OILTANKING NORTH AMERICA, LLC

STATE OF TEXAS

§

§

COUNTY OF GALVESTON

§

This Chapter 312 Tax Abatement Agreement (this "**Agreement**") is made, entered, and executed by and among **EASTMAN CHEMICAL TEXAS CITY, INC.**, a Delaware corporation ("**Eastman**"); **OILTANKING NORTH AMERICA, LLC**, a Delaware limited liability company ("**Oiltanking**"), as the owners/lessors of parcels of the taxable real property located within the jurisdictional limits of Galveston County, Texas, and specifically located within the "Texas City Gulf Coast Reinvestment Zone No. 1" created pursuant to Ordinance No. 17-16 adopted on May 17, 2017, and as was subsequently amended by Ordinance No. 17-32 adopted on December 6, 2017 and Ordinance No. 19-23 adopted on August 7, 2019 (such reinvestment zone, the "**Reinvestment Zone**", and such property specifically located within the Reinvestment Zone, the "**Property**"); **GULF COAST AMMONIA LLC**, a Delaware limited liability company ("**Company**"), which is the lessee of a portion of the Property and the owner of taxable property located within the Reinvestment Zone; and **GALVESTON COUNTY** (the "**County**"). The remaining portions of the Property not owned and leased to Company by Eastman and Oiltanking and located offshore are owned by the State of Texas. Company (a) leases a portion of the Property from Eastman pursuant to a Ground Lease dated November 27, 2017, and evidenced by a Memorandum of Lease filed and recorded in the Official Public Records of Galveston County, Texas, with instrument number 2017073144, as amended, (b) may subsequently elect to relinquish some of the Property leased from Eastman and enter into a ground lease with Oiltanking for

The above estimated appraised values may account for depreciation over time and may be subject to further change based on actual appraised values as may be established by the Galveston Central Appraisal District. Estimated figures relating to taxable value of abated properties after abatement expires are based on impact forecast given to Texas City Independent School District. Taxable value upon completion of the Project for personal property is based on cost of production for annual estimated inventory.

4.4. The Galveston Central Appraisal District will establish a separate account or accounts for the Eligible Abatement Property.

V. VALUE AND TERM OF AGREEMENT

5.1. The Abatement of county road and flood and ad valorem taxes provided for in this Agreement shall be effective on the January 1, 2022 valuation date, as authorized by Sec. 312.007 of the Tax Code. In each year that this Agreement is in effect, the appraised value, as defined in the Texas Property Tax Code, of Eligible Abatement Property shall be abated in accordance with the schedule below:

TAX ABATEMENT SCHEDULE

<u>Tax Year Abated</u>	<u>Percentage of Value Abated</u>
2022	100%
2023	100%
2024	100%
2025	100%
2026	100%
2027	100%
2028	100%
2029	100%
2030	100%
2031	100%

5.2. Should the appraised value of the Land plus the Eligible Abatement Property fall below the 2019 Certified Appraised Value in any given year, then no tax abatement will be granted in that year or carry forward to subsequent years.

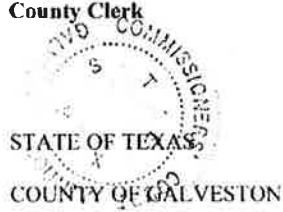
5.3. For each year in which an Abatement is granted pursuant to this Article V, Company shall make a PILOT payment in the amount of two million dollars (\$2,000,000) by January 31 of the following year.

GALVESTON COUNTY

By: *Mark Henry*
Mark Henry
County Judge
December 2, 2019
(Date)

ATTEST:

Dwight D. Sullivan
Dwight D. Sullivan
County Clerk



ACKNOWLEDGMENT

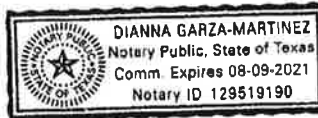
STATE OF TEXAS §
COUNTY OF GALVESTON §

Before me, the undersigned authority on this day personally appeared Mark Henry, County Judge, Galveston County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said district.

Given under my hand and seal of office this the 2nd day of December 2019.

Dianna Garza-Martinez
Notary Public in and for the State of Texas

My commission expires: 8/9/2021





CUMMINGS WESTLAKE
PROPERTY TAX ADVISORS

2022 Payment in Lieu of Taxes Verification
Gulf Coast Ammonia

Payment Due Date: February 15, 2023

extension to payment
due date granted

Check Amount: \$750,000.00

Pay To: City of Texas City
PO Box 2608
Texas City, TX 77592-2608
(409) 643-5927

Jurisdictions: Texas City

Invoice #	Description	PILOT
1321	Chapter 380 Economic Development & Performance Agreement Payment in Lieu of Taxes	750,000.00
		750,000.00

Wire/ACH instructions attached

Verified by: 



CITY OF TEXAS CITY
1801 9TH AVENUE NORTH
PO BOX 2608
TEXAS CITY, TX 77592-2608
(409) 948-3111 - FAX (409) 942-1073

INVOICE

Invoice Date	Invoice No.
01/01/2023	1321
Customer Number	
34292	
Invoice Total Due	
\$750,000.00	
Payment Terms	
NET 30 DAYS	

GULF COAST AMMONIA, LLC
ATTN: JEFF SCOTT, VICE PRESIDENT
C/O CONSOLIDATED ASSET MANAGEM
910 LOUISIANA ST., STE 2400
HOUSTON, TX 77002

Description	Original Bill	Adjustment	Paid	Amount Due
101000 48013 GULF COAST AMMONIA IN LIEU OF PROPERTY TAX 380 AGREEMENT	\$750,000.00	\$0.00	\$0.00	\$750,000.00
Please put Invoice Number on your check. Make Checks Payable to: City of Texas City			Invoice Total:	\$750,000.00



CUMMINGS WESTLAKE
PROPERTY TAX ADVISORS

2022 Charitable Contribution Verification
Gulf Coast Ammonia

Payment Due Date: February 15, 2023

extension to payment
due date granted

Check Amount: \$100,000.00

Pay To: City of Texas City
PO Box 2608
Texas City, TX 77592-2608
(409) 643-5927

Invoice #	Description	PILOT
1324	Charitable Contribution & Pledge Agreement Cultural Arts Foundation & Historical Preservation Corp	100,000.00
		100,000.00

Wire/ACH instructions attached

Verified by:

Cummings Westlake recommends sending
payment via certified mail or similar service.

Sent to Client: 1/11/2023



CITY OF TEXAS CITY
1801 9TH AVENUE NORTH
PO BOX 2608
TEXAS CITY, TX 77592-2608
(409) 948-3111 - FAX (409) 942-1073

INVOICE

Invoice Date	Invoice No.
01/01/2023	1324
Customer Number	
34292	
Invoice Total Due	
\$100,000.00	
Payment Terms	
NET 30 DAYS	

GULF COAST AMMONIA, LLC
ATTN: JEFF SCOTT, VICE PRESIDENT
C/O CONSOLIDATED ASSET MANAGEM
910 LOUISIANA ST., STE 2400
HOUSTON, TX 77002

Description	Original Bill	Adjustment	Paid	Amount Due
MISC BILLING TC CULT ARTS FOUNDATION	\$90,000.00	\$0.00	\$0.00	\$90,000.00
MISC BILLING TC HIST PRESERVATION CORP	\$10,000.00	\$0.00	\$0.00	\$10,000.00
Please put Invoice Number on your check. Make Checks Payable to: City of Texas City			Invoice Total:	\$100,000.00

Gulf Coast Ammonia
2021

INVOICE

Invoice Date	Invoice No.
11/17/2021	800
Customer Number	
34292	
Invoice Total Due	
\$100,000.00	
Payment Terms	
NET 30 DAYS	

CITY OF TEXAS CITY
1801 9TH AVENUE NORTH
PO BOX 2608
TEXAS CITY, TX 77592-2608
(409) 948-3111 - FAX (409) 942-1073

GULF COAST AMMONIA, LLC
ATTN: ACCOUNTS PAYABLE
9805 KATY FREEWAY, SUITE 400
HOUSTON, TX 77024

CHARITABLE CONTRIBUTION

Description	Original Bill	Adjustment	Paid	Amount Due
TEXAS CITY CULTURAL ARTS FOUNDATION	\$90,000.00	\$0.00	\$0.00	\$90,000.00
TEXAS CITY HISTORICAL PRESERVATION CORP	\$10,000.00	\$0.00	\$0.00	\$10,000.00
Please put Invoice Number on your check. Make Checks Payable to: City of Texas City			Invoice Total:	\$100,000.00

WIRE OR ACH: Texas First Bank; Texas City, TX
ABA: 113110256; ACCT: 11027896
FAO: City of Texas City Finance Clearing Acct

Gulf Coast Ammonia

Status Update

Lance LaCour- Galveston Co Economic Dev
10/28/2024

Cummings Wetlake
10/29/2024

Total capital investment deployed to date?

Total Capital Investment is unknown. For the amount of 2024 assessed project value see ==>

Eligible for tax abatement:

Not eligible for tax abatement:

(312 Agreement stipulates guaranteed min value of \$450MM value within 5 years of effective date. Value at 1/1/2024 met this criteria. Value for 2025 will be higher.)

Number of Employees hired to date?

Construction:

Full-time:

Peak construction: 1, 300

Current full-time: 51

Pictures of major construction to date

See Tab "Photos"

Also, can we get a copy of the executed agreements with all the exhibits with the County, City and College District (if applicable) application?

Will provide printouts at 12/7 meeting

ACCOUNTS SUBJECT TO 312 AGREEMENTS WITH COUNTY, CITY AND COLLEGE:

Owner Name	PID	GEO ID/Seq
Air Products Industrial Gas (subject to 312 by Joinder)	744203	A084-2-000310-000010
Air Products Industrial Gas (subject to 312 by Joinder)	744204	A084-2-000310-000020
Gulf Coast Ammonia	744221	A084-2-001981-000010
Gulf Coast Ammonia	744222	A084-2-001981-000020

Description	2024 Market Value	Value Subject to 312 Abatements
SOG Facilities, SMR & ASU Plants	268,095,320	268,095,320
Clarifier Unit	11,015,000	11,015,000
Ammonia Plant	177,986,860	177,986,860
Marine Loading, Tank Storage, 2.6 mi 8"	87,567,165	87,567,165
	544,664,345	544,664,345

Site images as of December 2023

Ammonia Plant





Storage Tank & Marine Dock





RZ and location of improvements:

**GULF COAST AMMONIA
GALVESTON COUNTY
CITY OF TEXAS CITY GULF COAST REINVESTME**

Ordinance 17-16, Texas City Gulf Coast RZ1 includes:

- A portion of PID 223922
- A portion of PID 182510

Ordinance 17-32 provides surveys and more accurately d

- "Area 1" -- PID 223922 & 224466
- "Area 3" -- A portion of PID 182510

Ordinance 19-23 adds these areas per Exhibits C-1 thru C

- "C-1" – Laydown Site, PIDs 223922, 224332,
- "C-2" – Offshore lands easement (for propos pipeline & utility corridor)
- "C-3" – A portion of PID 424200 (for tank & r

-  Reinvestment Zone Ar
-  Referenced Parcel IDs
-  Improvement location

FOR VISUAL REFERENCE
ALL SHAPES ARE APPROXIMATE
Updated 10/24/2024
Cummings Westlake

PROPRIETARY & CONFID

ENT ZONE NO. 1

describes:

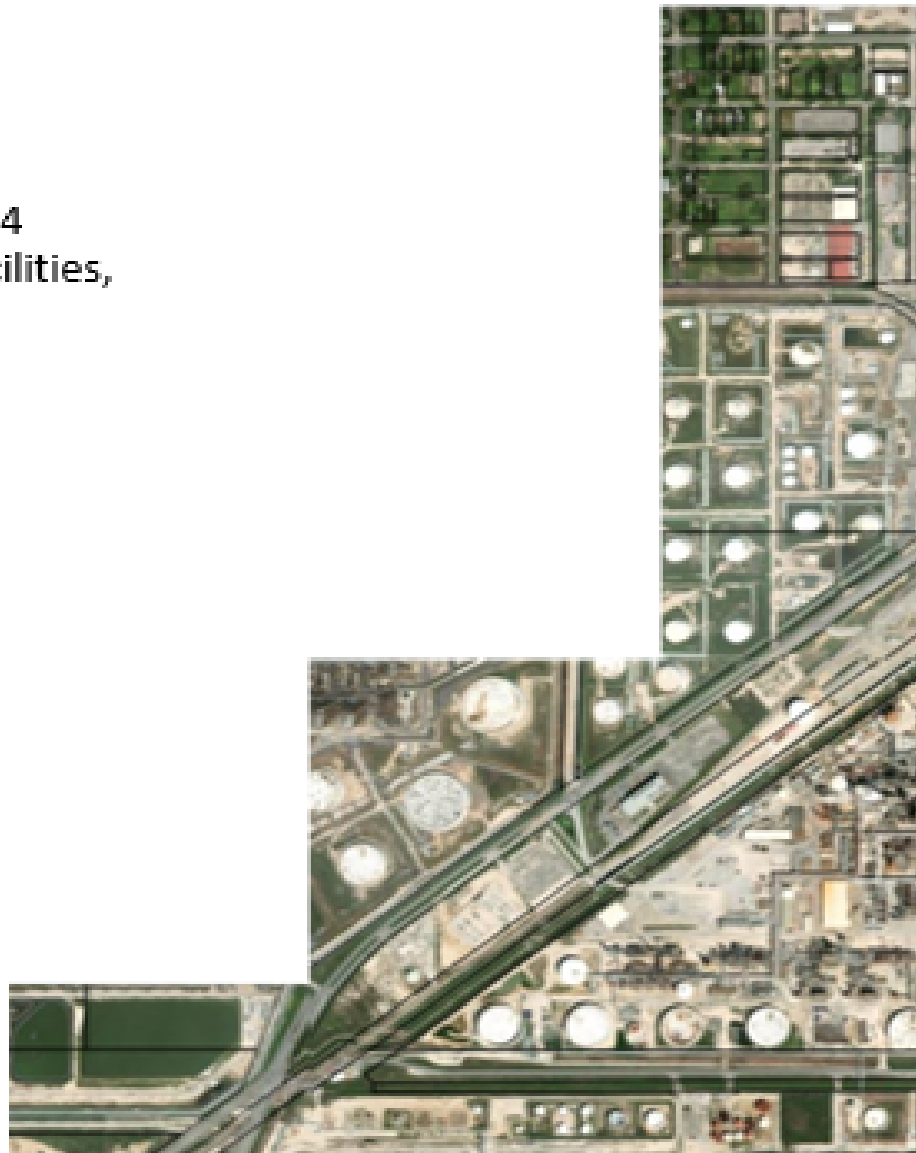
3:

224333 & 224334
ed tank, dock facilities,

marine dock)

reas

IS

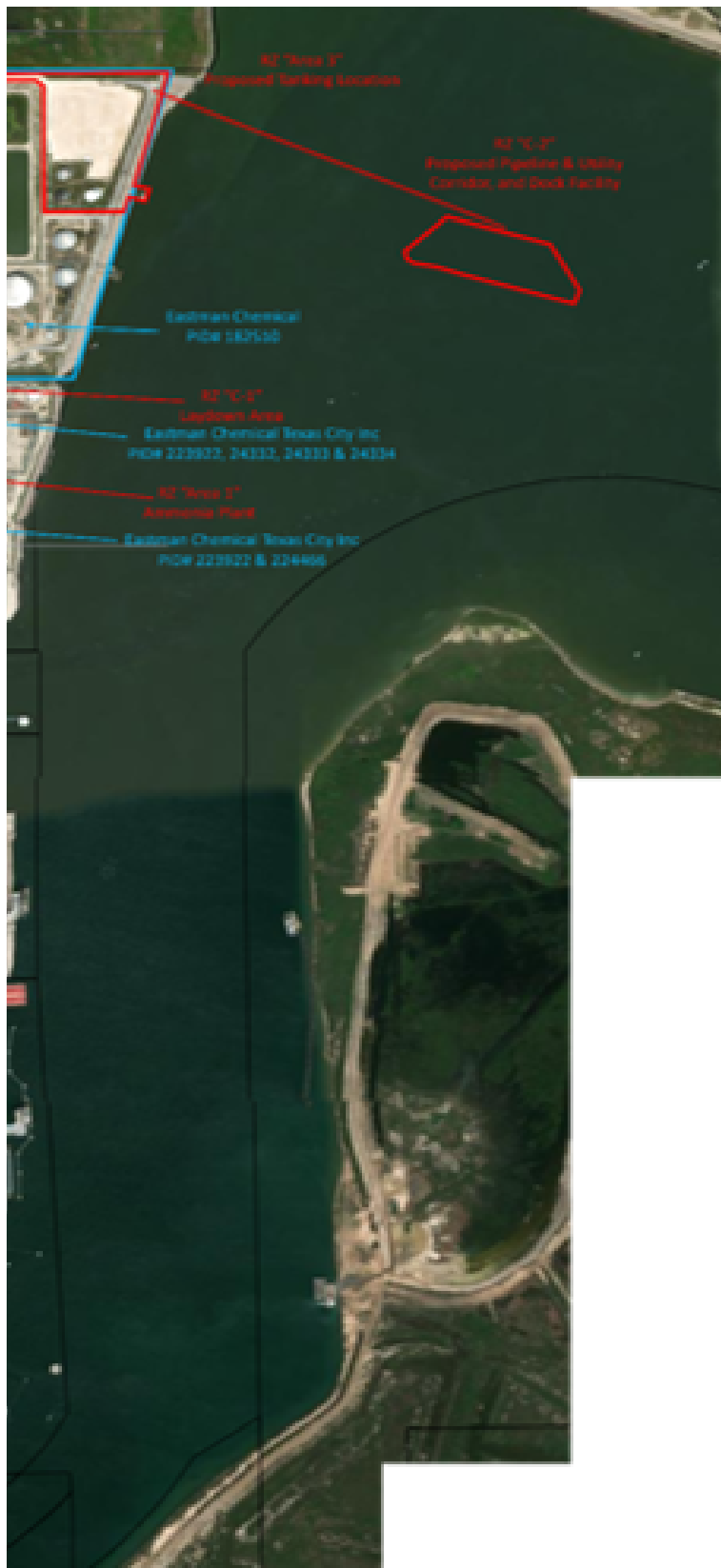


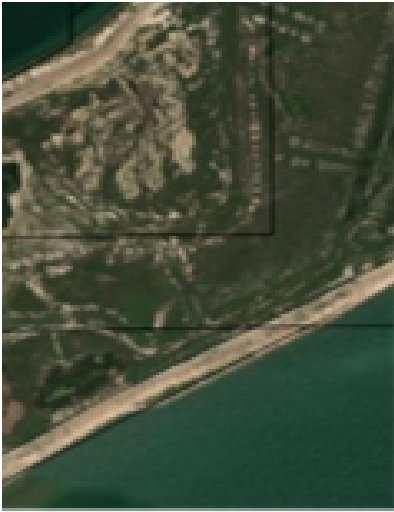


CONFIDENTIAL











PRESIDENT'S OFFICE

Constituents Leader Activity Reports

A. Classified Council – Sonia Kukuch, President



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 2, 2024
Subject: 2023-2024 Annual Financial & Compliance Report

AGENDA ITEM DESCRIPTION:

Discussion and possible acceptance of the College of the Mainland 2023-2024 Annual Financial and Compliance Report.

PURPOSE

To present to, and discuss, the 2023-2024 Annual Financial and Compliance Report with the Board of Trustees.

FUNDING SOURCE:

N/A

PROPOSED MOTION:

Suggested motion: *"I move the Board of Trustees accept the 2023-2024 Annual Financial and Compliance Report."*

BACKGROUND

The College of the Mainland's Annual Financial Audit and Compliance Report is required under Government Code 2102.009.

ATTACHMENTS

1. 2023-2024 Annual Financial & Compliance Report



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 9, 2024
Subject: 2024 Annual Internal Audit Report

Presented for recommended acceptance to Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees Accept the Annual Internal Audit Report, as presented on December 9, 2024.”

PURPOSE

To provide the Board of Trustees with information regarding the 2024 Annual Internal Audit Report, which summarizes the 2024 Internal Audit Activities performed for the College

BACKGROUND

Internal Audit Reports are presented to the Board as they become available for discussion and acceptance.

IMPLICATIONS

Financial: N/A

Strategic Goal #1: N/A

Student Services: N/A

Attachments

1. 2024 Annual Internal Audit Report

College of the Mainland

Fiscal Year 2024 Annual Internal Audit Report

December 9, 2024

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College of the Mainland

Fiscal Year 2024 Internal Audit Report

Issued: December 9, 2024

I. Compliance with Texas Government Code, Section 2102.015: Posting the Internal Audit Plan, Internal Audit Annual Report, and Other Audit information on Internet Website

Texas Government Code, Section 2102.015 requires state agencies and higher education institutions, as defined in the statute, to post their Internal Audit Plan, Internal Audit Annual Report, and other audit information on the Internet.

The College of the Mainland (COM or the College) will post this report and its Fiscal Year 2025 Internal Audit Plan on its website at www.com.edu following acceptance by the Board of Trustees. The report was presented and approved for issuance at the December 9, 2024, Board of Trustees Meeting.

The College of the Mainland will update its posting with a detailed summary of the weaknesses, deficiencies, wrongdoings, or other concerns raised by performance of the audit plan as they are identified. The College of the Mainland will also update the posting with the corrective action taken to address any issues identified.

II. Internal Audit Plan for Fiscal Year 2024

The internal audits planned and performed for Fiscal Year 2024 were selected to address the College's highest risk areas, based on the risk assessment update process conducted during the fall of 2024, which included input from College Management. The audits conducted during Fiscal Year 2024 are listed below:

Internal Audit	Report #	Report Date	Current Status
Continuing Education and Workforce Development	IA #02-2024	September 12, 2024	The report was issued November 22, 2024 Follow-up procedures to verify that corrective action has been implemented on the open findings will be conducted by College Management in FY 2025.

III. Consulting Services and Nonaudit Services Completed


As defined in the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing and the Government Auditing Standards, 2011 Revision, Sections 3.33 – 3.58, Weaver, completed the following consulting and non-audit service for FY 2024.

Consulting Service	Report #	Report Date	Current Status
Institutional Reporting Assessment	IA #01-2024	April 10, 2024	The report was issued April 29, 2024 Deliverables were provided to the College for ownership and management.

College of the Mainland
Fiscal Year 2024 Internal Audit Report
Issued: December 9, 2024

IV. External Quality Assurance Review

In accordance with professional standards, and to meet the requirements of the Texas Internal Auditing Act, Internal Audit is required to undergo an external quality assurance review at least once every three years. Weaver's review was performed in September 2022.

 <p>Report on Firm's System of Quality Control</p> <p>September 19, 2022</p> <p>To the Partners of Weaver & Tidwell, L.L.P. and the National Peer Review Committee</p> <p>We have reviewed the system of quality control for the accounting and auditing practice of Weaver & Tidwell, L.L.P. (the firm) applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended May 31, 2022. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).</p> <p>A summary of the nature, objectives, scope, limitations of, and the procedures performed in a system review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.</p> <p>Firm's Responsibility</p> <p>The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.</p>
<p>Peer Reviewer's Responsibility</p> <p>Our responsibility is to express an opinion on the design of and compliance with the firm's system of quality control based on our review.</p> <p>Required Selections and Considerations</p> <p>Engagements selected for review included engagements performed under <i>Government Auditing Standards</i>, including compliance audits under the Single Audit Act; audits of employee benefit plans, an audit performed under FDICIA, and examinations of service organizations [SOC 1 and SOC 2 engagements].)</p> <p>As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.</p>

College of the Mainland

Fiscal Year 2024 Internal Audit Report

Issued: December 9, 2024

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Weaver & Tidwell, L.L.P. applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended May 31, 2022, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Weaver & Tidwell, L.L.P. has received a peer review rating of *pass*.

Eide Bailly LLP

Eide Bailly LLP

V. Internal Audit Plan for Fiscal Year 2025

The Fiscal Year 2025 Internal Audit Plan has been reviewed and approved by the College's President, and the Board of Trustees will review the plan at the next regularly called Board meeting, and vote for approval.

Fiscal Year 2025 Internal Audit Plan		
Audit Area	Risk Rating	Estimated Hours
Safety and Security	High	315
Application Selection / DBA ERP	High	315

Follow-up procedures for Fiscal Year 2024 to verify and communicate with Management the remediation efforts of prior Internal Audit Recommendations will be performed by College Management.

Fiscal Year 2025 Follow-up Procedures	
Audit Area	Risk Rating
Continuing Education & Workforce and Community Development	High

The projects identified in the FY 2025 Internal Audit Plan will not address the benefits proportionality audit requirement prescribed in Rider 8, page III-45, the General Appropriations Act (85th Legislature), due to Public Community Colleges being exempt from the requirement.

The College's rules and policies for the purchasing of goods and services were evaluated as part of Internal Audit of Purchasing and determined compliance with the requirements identified within Texas Education Code, Section 51.9337.

A risk assessment update was conducted on August 27, 2024, whereby College Leadership reassessed the probability and impact of the following risk categories across all significant activities of the College.

- Financial and Fraud
- Information Technology
- Operational
- Students and Programs
- Reputational

College of the Mainland

Fiscal Year 2024 Internal Audit Report

Issued: December 9, 2024

The Internal Audit Risk Assessment performed in 2017 included information security as part of the evaluation of information technology risk. Information technology risk was evaluated throughout the risk assessment process and was considered as part of the overall risk rating of all the significant processes of the College. Additionally, information security was evaluated as part of the Information Security Internal Audit in FY 2019.

Taking into consideration the input from College Management, all significant activities were assigned a risk score for probability and impact related to each risk category. The overall risk rating (High, Moderate or Low) was assigned to each significant activity based on the activity’s average risk score.

The internal audit plan is developed by considering risk ratings for each significant activity and prioritizing “High” risk activities. The risk assessment is updated on an annual basis.

The 2024 internal Audit Risk Assessment update resulted in 24 Significant Activities rated as “High” risk. The Fiscal Year 2025 Plan does not include the following 6 high risk areas:

High Risk Areas		
	Audit Area	Risk Response
1	Budget and Planning	Risks are partially addressed by College policies on the budgeting process and oversight by the Board. Additionally, budgeting and planning is monitored by the Board through monthly reports of year-to-date spending on a cash basis, which includes budget to actual figures. Any fund balance requests for expenditures not included in the budget require Board approval.
2	Construction Management	Risks are partially addressed by College policies on construction manager - agent, construction manager - at risk, construction design – build, job order contracts, facilities standards, competitive bidding and sealed proposals. Additionally, COM engages Program Manager services to provide construction management for bond projects and construction project progress is monitored through routine reporting to the Board.
3	Dual Credit Programs	Risks are partially addressed by College policies on the requirements for offering dual credit programs. Additionally, the Curriculum Committee meets routinely to evaluate and consider requests for changes to curriculum along with the reporting of those requests to SACSCOC. The Committee also provides routine reports to the Board if changes to the curriculum are being considered.
4	Accreditation Standards	The College monitors the requirements for the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) and evaluates performance to ensure compliance. Additionally, the Curriculum Committee meets monthly to evaluate and consider requests for changes, additions, or cancelations of programs, which must be reviewed and approved by the High Education Coordinating Board and SACSCOC. The Committee also provides routine reports to the Board if changes to programs are being considered along with accreditation status. The College will have a SACSCOC review conducted in FY 2024. The last accreditation review was completed in 2013.

College of the Mainland
 Fiscal Year 2024 Internal Audit Report
 Issued: December 9, 2024

High Risk Areas		
	Audit Area	Risk Response
5	Grounds and Maintenance	Risk is partially addressed by College policies on the maintenance of buildings and equipment, development of a long range campus master plan and maintaining proper sanitation. Additionally, risks are transferred through the outsourcing of grounds functions and risks are mitigated through the use of environmental consultants to evaluate and report on asbestos and mold remediation. The College also requires internal maintenance staff to hold certifications for HVAC, plumbing, and electrical to ensure local code compliance.
6	Revenue	Risks are partially addressed by College policies on how tuition rates are determined along with the collections of ad valorem taxes. Ad valorem taxes are assessed by the Galveston Tax Appraisal District and collection efforts are conducted by the Galveston Tax Assessor Collectors. States appropriations and tax collections are reconciled monthly and reported to the Board monthly in the Financial and Investment Report. Additionally, revenue reconciliations are evaluated as part of the annual external financial statement audit.

VI. External Audit Services Procured in Fiscal Year 2024

The College of the Mainland engaged Whitley Penn LLP, a certified public accounting firm, as their external auditors for Fiscal Year 2024. Whitley Penn LLP is registered with the Public Company Auditor Oversight Board (PCAOB).

The College of the Mainland did not engage any other external party to conduct financial, performance or attestation engagements in Fiscal Year 2024.

VII. Reporting Suspected Fraud and Abuse

- College of the Mainland relies on Weaver and Tidwell LLP, the outsourced internal auditor, to monitor the confidential hotline set-up by the College for the reporting of fraud, waste and abuse. The College also has a dedicated page to fraud prevention and reporting on its website at <https://www.com.edu/hotline>, which includes the hotline number and an optional form that can be completed to anonymously report fraud, waste, or abuse.
- The President of the College of the Mainland and the General Counsel are designated personnel within the College to receive and discuss allegations of fraud, waste, and abuse. The General Counsel has the authority to examine and investigate those allegations and turn over information of verified instances of fraud, waste, or abuse to the State Auditor's Office.



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 9, 2024
Subject: Internal Audit Report – Continuing Education and Workforce Development

Presented for recommended acceptance to Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees Accept the Internal Audit Report on Continuing Education and Workforce Development, as presented on December 9, 2024.”

PURPOSE

To provide the Board of Trustees with information regarding the Continuing Education and Workforce Development Internal Audit that was performed, including the procedures performed, results, recommendations for improvement, and management responses.

BACKGROUND

Internal Audit Reports are presented to the Board as they become available for discussion and acceptance.

IMPLICATIONS

Financial: N/A

Strategic Goal #1: N/A

Student Services: N/A

Attachments

1. IA #02-24 Internal Audit Report over Continuing Education and Workforce Development

College of the Mainland

IA #02-2024 Internal Audit over Continuing Education
and Workforce Development

Report Date: September 12, 2024

Issued: November 22, 2024

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Dr. Warren Nichols
President
College of the Mainland
1200 Amburn Road
Texas City, Texas 77591

This report presents the results of the internal audit procedures performed for College of the Mainland (the College) during the period April 22, 2024, through September 12, 2024, relating to the Continuing Education and Workforce Development processes of the College.

The objectives of the internal audit were to evaluate the design and effectiveness of College of the Mainland's Continuing Education and Workforce Development processes as follows:

- A. Determine whether internal controls over operational processes for managing the Continuing Education and Workforce Development Programs are effectively designed to ensure consistent processes are implemented and effectively address the risks within the associated sub-processes.
- B. Ensure that controls over selected high-risk operational processes within Continuing Education and Workforce Development Programs are operating efficiently, effectively, and in compliance with requirements.
- C. Ensure that user access to view and modify student and financial data in Colleague and Lumens is restricted to appropriate personnel and that access is periodically reviewed.

To accomplish these objectives, we conducted interviews and walkthroughs with personnel responsible for Continuing Education and Workforce Development processes within the Continuing Education Department. We also examined existing documentation, evaluated internal controls over the processes, and performed specific testing procedures to assess controls. Our coverage period was from January 1, 2023, through January 31, 2024, and procedures were completed on September 12, 2024.

The following report summarizes the findings identified, risks to the organization, recommendations for improvement and management's responses.

Weaver and Tidwell, L.L.P.

WEAVER AND TIDWELL, L.L.P.
Houston, Texas
September 12, 2024

Weaver and Tidwell, L.L.P.
4400 Post Oak Pkwy, Suite 1100 | Houston, Texas 77027
Main: 713.850.8787

CPAs AND ADVISORS | WEAVER.COM

College of the Mainland

Internal Audit Report over Continuing Education and Workforce Development

September 12, 2024
Issued: November 22, 2024

Background

College of the Mainland (the College) was established in 1966 with a mission to be a learning-centered, comprehensive community college dedicated to student success and the intellectual and economic enrichment of the diverse communities served. College of the Mainland's Continuing Education Division provides access to innovative, flexible, and responsive lifelong learning opportunities. The department offers non-credit courses, workforce training, and personal enrichment programs designed to meet the needs of both individuals and local businesses in the community.

Continuing education courses offered at the College include online career training through ed2go, customized contract training, various allied health and industrial craft programs, Gulf Coast Safety Institute (GCSI) courses, and real estate courses. The College also has a Lifelong Learning Center that offers community education and senior citizen classes (50 year plus) as well as travel adventures.

Continuing Education registration is active throughout the semester and students are asked to register at least one week prior to the class start date. Registration is completed within Lumens and students are generally required to pay all tuition and fees at the time of registration. During the course planning and cost analysis process, minimum enrollment numbers are determined for each course. Courses that do not meet the minimum enrollment are cancelled and students automatically refunded through the Lumens system. The Student Financial Services Department assists the Continuing Education Team with processing financial aid and transmitting funds for students. Monthly, the Financial Services – Business Office works with the Continuing Education Team to reconcile the tuition payments received and bank statements to the general ledger and investigate any variances.

Students complete an End of Course Evaluation on the last class day for all Continuing Education courses except the 50 Plus programs which are completed online and available two weeks prior to the course end date. Results of these evaluations are used by the Continuing Education Department to adjust future courses offered and provide instructor feedback.

Audit Objective and Scope

The audit focused on the College of the Mainland (COM) Continuing Education and Workforce Development processes. We reviewed the procedures in place for appropriate risk and regulatory coverage and compliance to ensure efficient and effective processes. Programs at the College evaluated include the following:

- Allied Health
- Industrial Craft
- Lifelong Learning
- Gulf Coast Safety Institute (GCSI)
- Customized Contract Training
- Workforce Degrees and Certificates

Key functions and sub-processes within the Continuing Education and Workforce Development processes to be reviewed included:

- Student Registration
- Course Planning and Facilities
- Financial Aid Coordination

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- Tuition Billing and Collection
- Instruction/Materials Payments
- Course Completion, Student Records and HB8 Reporting
- Course Outcome Assessment
- Monthly Closeout and Reconciliation

Our procedures were designed to ensure relevant risks are covered and verified the following:

Student Registration

- Students completed the appropriate pre-requisites prior to completing enrollment in a course
- Appropriate documentation was collected from the student and entered into Lumens
- Student data from Lumens was accurately transferred to Colleague prior to completing registration
- Student registration was accurate and available for college-wide reporting

Course Planning and Facilities

- Appropriate continuing education courses were identified and provided to meet demand
- Workforce development courses met the economic demands of the business environment
- Appropriate course space and equipment was available for course delivery
- Course demand was met through the appropriate number of registrants prior to holding a course
- Course cancelations, due to low registrants, were performed timely to minimize impact to students
- Courses offered for corporate trainings met the terms and conditions of the agreements with corporate partners

Financial Aid Coordination

- Financial aid assistance offered to students was accurate
- Financial aid was accurately recorded to student accounts in Lumens and Colleague
- Financial aid was processed for non-credit courses in a timely manner

Tuition Billing and Collection

- Student receivables were accurately calculated considering the application of grant funds and other financial aid
- Student payments were received according to the course payment schedule or corporate contract
- Payments were accurately recorded in the student's records
- Students were accurately billed/invoiced for registered courses
- Billings were performed in a timely manner
- Outstanding student balances were identified, escalated, and handled according to college guidelines
- Holds were placed on student accounts for individuals with outstanding balances
- Payment plans were only granted to qualifying students
- Payment plans were appropriately set-up in Colleague for qualifying students
- Payment plans were tracked and monitored to ensure timely payment

Instruction/Materials Payments

- All invoices related to workforce and continuing education were identified and recorded in a timely manner

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- Invoices were verified, approved, and paid in accordance with the Texas Prompt Payment Act
- Costs for materials were applied to the correct course records

Course Completion, Student Records and HB8 Reporting

- Students' completion of course objectives was verified before awarding certificates/course credit
- Students received appropriate certifications and/or certificates
- Student course completion and certification achievement was properly documented within the student's record
- Certificates/course credit was not awarded to students with outstanding balances on payment plans
- HB8 relevant data was properly captured and recorded

Course Outcome Assessment

- Courses offered met the objectives and student demand
- Courses offered had adequate attendance levels and completion rates
- Course outcome assessments were performed, documented, reviewed, and retained
- Data used to evaluate course outcomes was complete and accurate
- Results of course outcome assessments were used to evaluate future course need or curriculum changes

Monthly Closeout and Reconciliation

- Financial information within Lumens and Colleague was complete and accurate
- Financial records were closed in a timely manner
- Student and financial data interfaced to Colleague was complete and accurate
- Lumens was backed up to prevent data loss
- Student and financial data was reconciled to Colleague in a timely manner

Our procedures included interviewing key personnel within the Continuing Education Department to gain an understanding of the current processes in place, examining existing documentation, and evaluating the internal controls over the process. We evaluated the existing policies, procedures, and processes in their current state. Our coverage period was from January 1, 2023, through January 31, 2024.

The objectives of this internal audit were as follows:

- A. Determine whether internal controls over operational processes for managing the Continuing Education and Workforce Development Programs are effectively designed to ensure consistent processes are implemented and effectively address the risks within the associated sub-processes.
- B. Ensure that controls over selected high-risk operational processes within Continuing Education and Workforce Development Programs are operating efficiently, effectively, and in compliance with requirements.
- C. Ensure that user access to view and modify student and financial data in Colleague and Lumens is restricted to appropriate personnel and that access is periodically reviewed.

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Executive Summary

Through our interviews, evaluation of internal control design and testing of transactions, we identified four (4) findings. The listing of findings includes those items that have been identified and are considered to be non-compliance issues with documented College of the Mainland policies and procedures, rules and regulations required by law, or where there is a lack of consistent procedures or internal controls in place to cover all the risks to the College. These issues could have significant financial or operational implications if not addressed by management.

A summary of our results, by audit objective, is provided in the table below. See *the Appendix for an overview of the Assessment and Risk Ratings*.

Overall Assessment		Satisfactory
Scope Area	Result	Rating
<p>Objective A: Determine whether internal controls over operational processes for managing the Continuing Education and Workforce Development Programs are effectively designed to ensure consistent processes are implemented and effectively address the risks within the associated sub-processes.</p>	<p>We identified 43 controls in place within the Continuing Education and Workforce Development processes. However, opportunities exist to improve the existing control structure, such as more effective tracking of materials and supplies expenses by location and activity for determining sustainability of continuing education and workforce programs.</p>	Strong
<p>Objective B: Ensure that controls over selected high-risk operational processes within Continuing Education and Workforce Development Programs are operating efficiently, effectively, and in compliance with requirements.</p>	<p>Controls appear to be in place and operating as intended. However, improvements to the consistency of execution should be considered through the following opportunities for improvement:</p> <ul style="list-style-type: none"> • Consider centralizing and formalizing the process for cancelling courses to ensure timely and consistent course cancellations and third-party refunds. • Consider automating the Course Evaluation process to ensure consistency in the completion and retainment of evaluations across continuing education and workforce courses. 	Satisfactory

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Overall Assessment		Satisfactory
Scope Area	Result	Rating
Objective C: Ensure that user access to view and modify student and financial data in Colleague and Lumens is restricted to appropriate personnel and that access is periodically reviewed.	Controls appear to be in place and operating as intended.	Strong

Other opportunities for improvement were identified through our interviews, evaluation of internal control design and transactional testing. These observations include those items that are not considered to be non-compliance issues with documented College policies and procedures. These are considered process improvement observations and the intent for the recommendations is to strengthen current College processes and controls. These observations were provided to management separately.

Conclusion

Based on our evaluation, the Continuing Education and Workforce Development processes have procedures, practices, and controls in place designed to mitigate risks within the significant processes within the College. However, we identified opportunities to strengthen the current processes and improve the effectiveness of controls within the Continuing Education Department.

Most significantly, the College should consider centralizing and formalizing the process for cancelling courses to ensure timely and consistent course cancellations and third-party refunds. The College should also consider automating the Course Evaluation process to ensure consistency in the completion and retainment of evaluations across continuing education and workforce courses.

The College should coordinate with IT and the Business Office to activate the Colleague feature to track all materials and supplies expenses by location and activity in order to increase transparency and insight on sustainability of continuing education and workforce programs.

**Detailed Procedures Performed, Findings,
Recommendations and Management
Response**

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Detailed Procedures Performed, Findings, Recommendations and Management Response

Our procedures included interviewing key personnel within the centralized Continuing Education Department and those decentralized processes within other offices and departments of the College that have responsibilities in coordinating financial aid, cash management, and performing the monthly closeout process. The procedures were performed to gain an understanding of the current processes in place by examining existing supporting documentation and evaluating the internal controls over the processes. We evaluated the existing policies, procedures, and processes in their current state.

Objective A: Design of Internal Controls

Determine whether internal controls over operational processes for managing the Continuing Education and Workforce Development Programs are effectively designed to ensure consistent processes are implemented and effectively address the risks within the associated sub-processes.

Procedures Performed: We conducted interviews and walkthroughs with key personnel within the Continuing Education Office and examined existing documentation to gain an understanding of the current operational processes for managing the Continuing Education and Workforce Development programs from student registration, through course completion and outcome assessment, and the processes for interfacing Lumens to Colleague for conducting monthly closeout and reconciliation. We identified Internal controls that address risks over the critical sub processes:

- Student Registration
- Course Planning and Facilities
- Financial Aid Coordination
- Tuition Billing and Collection
- Instruction/Materials Payments
- Course Completion, Student Records and HB8 Reporting
- Course Outcome Assessment
- Monthly Closeout and Reconciliation

We evaluated whether the identified internal controls are sufficiently designed to comply with College policies and procedures and mitigate all critical risks associated with the operational processes for the Continuing Education and Workforce Development Programs. We identified any unacceptable risk exposures due to control design inadequacy or any opportunities to strengthen the effectiveness of the existing control design.

Results: We identified 43 total controls in place over the significant activities within the Continuing Education and Workforce Development processes. We identified one finding where improvements in the processes, policies, and procedures could be made.

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Process Area	Control Coverage	Findings
Continuing Education and Workforce Development Processes		
Student Registration	6	-
Course Planning and Facilities	12	-
Financial Aid Coordination	3	-
Tuition Billing and Collection	7	-
Instruction/Materials Payments	4	Finding 1
Course Completion, Student Records, and HB8 Reporting	3	-
Course Outcome Assessment	3	-
Monthly Closeout Reconciliation	5	-
Total	43	1

Finding 1 - MODERATE - Supplies and Materials Tracking: The College does not have a process to consistently track instructional supplies and materials fees by program or course, which are instead coded to a general supplies account. Instructional supplies and materials fees are built into the course costs and are accounted for during the course budgeting process but are not tracked and tied to courses to assess the full costs and revenue generated in excess of costs for each course. Location codes are not currently utilized within Colleague and activity codes are only utilized for certain functions related to grants and contracts.

Recommendation: The College should coordinate with IT and the Business Office to activate the Colleague feature to track all materials and supplies expenses by location and activity. This will increase transparency and insight on sustainability of continuing education and workforce programs and allow the College to determine revenue generated in excess of costs for each course.

Management Response: Although all direct costs, including instruction and supplies, are systematically calculated to derive the cost of tuition, including revenue, over those direct costs, the output is a planned expense versus actual.

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To address the current gap in tracking instructional supplies and materials fees by course, the following mitigation strategy is proposed: Develop a system within the financial management process to code instructional supplies and materials fees directly to individual courses by creating dedicated expense accounts for each course in the accounting system, which would allow for more precise tracking of expenditures. Alternatively, Lumens has built a more sophisticated expense-tracking tool with associated revenue reports. Lumens has an AR code inventory that integrates with Colleague.

Over time, this enhanced financial oversight will enable the CE department to make informed adjustments to fee structures and resource allocation, paving the way for a self-sustaining model that ensures long-term economic stability and supports program growth.

Through regular review and adjustment, we can balance cost recovery and affordability for students, ensuring that the department operates efficiently and remains financially sustainable.

Responsible Party: Dean of Continuing Education, IT, Business Office

Implementation Date: March 2025, dependent on existing software capabilities

Objective B: Effectiveness of Internal Controls

Ensure that controls over selected high-risk operational processes within Continuing Education and Workforce Development Programs are operating efficiently, effectively, and in compliance with requirements.

Student Registration:

- 1. Procedures Performed:** We selected a sample of 13 of 5,474 students registered for Continuing Education and Lifelong Learning courses during the scope period January 1, 2023, through January 31, 2024. For each selected student, we performed the following:
 - Verified that a completed student registration was submitted for class registration.
 - Verified that the information in the student registration form such as name, addresses, DOB, and SSN agreed with the information posted in Lumens.
 - Reviewed the students account in Colleague and verified that the information in the system matched the information entered in Lumens.

Results: No findings identified.

Course Planning and Facilities:

- 2. Procedures Performed:** We selected a sample of 20 of 164 continuing education courses held during the scope period January 1, 2023, through January 31, 2024. For each selected course, we performed the following:
 - For new courses, we reviewed the New Course Form along with the syllabus to ensure Dean of Continuing Education or designee approval was obtained.

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- We obtained the related course submission Excel spreadsheet completed by each department during semesterly course planning and ensured the course was accounted for during planning.
- For Corporate Partner Contract courses, we reviewed the course's start date and verified that the invoice for the course was billed to the corporate partner by the census date (within 3 days after the class start date).
- We verified the invoiced rate agreed to the terms and conditions of the proposal.
- We reviewed the agreed upon payment date per the contract proposal and verified that payments were made timely (within 30 days of the billing date).

Results: No findings identified.

- 3. Procedures Performed:** We selected a sample of 5 out of 31 continuing education courses, cancelled on or after the class start date, during the scope period January 1, 2023, through January 31, 2024. For each selected course, we performed the following:
- We investigated the reason for the variance and determined if the course was cancelled timely and appropriately based on the circumstances.
 - For cancelled courses that had previously registered students, we ensured registered students were refunded or offered a different course section.

Results: We identified that for all selected samples, classes were not cancelled timely and for one course cancellation, students were not refunded timely.

Finding 2 - HIGH - Inconsistent Course Cancellations and Refunds: The course cancellation process is inconsistent across departments and the process for administering student refunds after a course is cancelled by the College is not formalized or documented in policy. This results in late cancellations and untimely refunds to corporate partners. Apart from Allied Health and Industrial courses, departments are responsible for reviewing enrollment for their own courses, making cancellation determinations, and communicating those decisions to the Dean of Continuing Education. As a result, course cancellations are not consistently performed by the deadline outlined in departmental policies.

We identified 190 course cancellations that occurred during the scope period of January 1, 2023, through January 31, 2024. 43 of these 190 cancelled courses were cancelled as early as one day prior to the course start date and as late as 42 days after the course start date. We selected five out of these 43 courses that were cancelled on or after the class start date to include in the performance of testing procedures and verified that classes were not cancelled timely and for one course cancellation, refunds were not issued timely. Per the Continuing Education and Workforce Development policies and procedures, classes that do not meet the minimum enrollment threshold should be cancelled at least two business days prior to the start date. During our testing, we determined that all five selected courses from our sample were officially cancelled within the Lumens system at least one day after the planned course start date, exceeding the deadline.

Additionally, for one of the five cancelled courses, refunds were not issued until 19 business days after the scheduled course start date and 23 days after the decision to cancel the course was

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made by the Department Chair. While there is a process for automatically refunding students who register and pay through Lumens, the College does not have a process for ensuring payments from third parties are refunded timely when a course is cancelled.

Recommendation: The College should consider centralizing the process for cancelling courses to ensure courses are cancelled timely, at least two days prior to the start of class, and students are consistently refunded timely. Additionally, the College should develop and implement a formal, documented process for issuing student refunds at least two days prior to the course start date.

Personnel within the Continuing Education and Workforce Development team should be responsible for monitoring the daily enrollment report and working with departments to make determinations for low enrollment courses identified. To ensure compliance, a memo reporting courses with enrollments below the required threshold for the course threshold should be sent out to all Program Managers at set intervals in advance of the start of the courses such as 15, 10, and 5 days prior to the course start date. If a Program Manager would like to keep the course open, a formal request to keep the course open should be documented and submitted to the Dean of Continuing Education for review and approval. Course cancellation decisions, as well as any resulting refunds or course exchanges should be made at least two business days prior to the course start date.

Additional Continuing Education and Workforce Development resources will likely be required to centralize the course cancellation process and formalize the refund process to ensure consistent monitoring as outlined above. Per management, the team is at capacity due to vacancies and is unable to own this process centrally within the department.

Management Response: Course Cancellations due to insufficient enrollment will now be managed centrally to ensure consistency across departments and disciplines, whether for in-person, online, or hybrid courses. This includes uniform, documented administration procedures, timelines, and reporting. While the decentralized administrative approach for cancellation recommendations from other departments considers, in part, the academic goals for each discipline, it has resulted in inconsistencies and delays in the cancellation and some refund processes.

CE has begun centralizing and automating the course cancellation process to address this issue. This new system ensures that courses with no enrollment are promptly updated from "run" to "canceled," providing students with timely and consistent communication regarding cancellations and withdrawals, regardless of the course or department.

In response, the CE Department has implemented the following measures. A scheduled daily enrollment report is now in place, covering all course statuses (run, active, and canceled). A designated registration staff member reviews this report daily, and cross-training is provided for a backup. Courses not meeting the enrollment threshold three business days before the course date will be canceled unless the CE Dean approves extenuating circumstances.

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To this end, centralizing course cancellations also provides valuable data that can be used to identify trends and make informed decisions. This data can help the department better plan course offerings and resource allocation.

Responsible Party: Dean of Continuing Education, Customer Service Specialist
Implementation Date: September 15, 2024

Financial Aid Coordination

- 4. Procedures Performed:** We selected 3 months (August 2023, September 2023, November 2023) during the scope period January 1, 2023, through January 31, 2024, and obtained a listing of all TPEG transactions during these months. We selected a sample of 23 of 42 TPEG transactions identified during the three months. For each selected transaction, we performed the following:
- Verified that the financial aid was accurately recorded to student accounts in Lumens and Colleague.
 - Verified that financial aid was processed for non-credit courses in a timely manner.
 - Verified that financial aid was posted in the award year awarded.

Results: No findings identified.

Tuition Billing and Collection

- 5. Procedures Performed:** We selected a sample of 13 of 221 students with outstanding daily balances during the scope period January 1, 2023, through January 31, 2024. For each selected student, we performed the following:
- Verified that billing/invoicing was performed accurately and timely.
 - Verified that student payments were received according to the course payment schedule or corporate contract.
 - Verified that payments were accurately recorded in student accounts.
 - Verified that outstanding student balances were flagged in Lumens and Colleague to prevent future course registration.

Results: No findings identified.

Instruction/Materials Payments

- 6. Procedures Performed:** We selected a sample of 10 of 92 paid instructors for courses offered at the Continuing Education and Workforce Development Programs during the in-scope period January 1, 2023, through January 31. For each selected instructor, we performed the following:
- Obtained the Summary Paycheck History Report for the scope period and verified the instructor was paid timely.
 - Verified the instructor rate of pay indicated on the Summary Paycheck History Report tied to the approved PAF or Standard Services Agreement (SSA).

Results: No findings identified.

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Course Completion, Student Records, and HB8 Reporting

7. **Procedures Performed:** We selected a sample of 11 of 80 certification and voucher (Ed2Go) programs completed during the scope period January 1, 2023, through January 31, 2024. For each selected program, we performed the following:
- Verified that the correct certificate was issued to the students who completed the program.
 - Verified that an official grade indicating the student's passing or failing of the required courses for completing the program has been submitted and certified by the course instructor for all program participants.
 - Verified that the passing grade submitted and certified by the instructor was accurately entered into Lumens prior to the issuance of the certificate for all program participants.

Results: No findings identified.

Course Outcome Assessment

8. **Procedures Performed:** We selected a sample of 20 of 164 continuing education courses during the scope period January 1, 2023, through January 31, 2024. For each selected course, we obtained the completed End of Course Evaluations and verified they were appropriately administered and retained.

Results: For six of the 20 courses, End of Course Evaluations could not be provided.

Finding 3 - MODERATE - Inconsistent Course Evaluations: The course evaluation process is inconsistent across programs and is manually performed, which results in some course evaluations not being completed (or evidence of completion) or retained. The departmental Administrative Assistant is responsible for managing the End of Course Evaluation process which takes place on the last class day. All evaluations are required to be reviewed by the Administrative Assistant and scanned and submitted to the Program Manager for review. We selected 20 out of 164 courses offered during the scope period of January 1, 2023, through January 31, 2024, to verify that End of Course Evaluations were appropriately administered and retained. For six of the 20 courses, course evaluations could not be provided. Four of the six courses were a CE Allied Health program course, which were not under the direct supervision of Continuing Education during the scope period and completed evaluation files are unable to be located. However, the remaining two exceptions were related to an oversight in the course closeout process where the End of Course Evaluation was not administered to students.

Recommendation: The College should consider automating the Course Evaluation process to ensure consistency in the completion and retainment of evaluations across continuing education and workforce courses. The online evaluation feature within Lumens should be utilized to automatically administer the evaluation on the last day of class via email link. While Lumens cannot be used to track responses or analyze results, automating the distribution of the evaluations will increase consistency in the process and ensure all students have the opportunity to give feedback. Additionally, completed End of Course Evaluations should be retained in a consistent location, easily accessible by the Continuing Education Team.

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Management Response: The Department recognizes the need to address inconsistencies in administering end-of-course evaluations (Course Outcome Assessments) across our institution, particularly given our decentralized academic structure, where different departments and delivery methods have varied in their approach to assessments, as well as additional accreditation evaluation requirements. A consistent, automated, and centralized process will be established to ensure the integrity and comparability of evaluation results across all disciplines.

In response to this finding, we propose the following actions: The CE Department will centralize and automate the administration of end-of-course evaluations across all academic departments, regardless of discipline or delivery method (in-person, hybrid, or online) or additional requirements for separate accreditation bodies. This approach ensures the process is managed consistently, reducing variability, and enhancing data reliability. Currently, two platforms will be required to administer, collect, and analyze evaluations institution-wide.

To facilitate the transition for the automated assessments, centralized administrative support from the Continuing Education department will be provided to all department chairs/ program directors for recommended evaluation data. Academic units will maintain autonomy over their continuing education instructional content, but the evaluation process will be managed centrally. We believe that by centralizing the administrative aspect of end-of-course evaluations while allowing academic units to focus on content and delivery, we can achieve the consistency needed while maintaining the diversity and uniqueness of each department.

To this end, Lumens has a new product feature titled "Online Evaluation Link." This feature allows the CE department to send an automated email with a link to an online survey/evaluation on the last day of the course. Lumens provides the functionality to schedule and attach a customized evaluation template to each course/section at the time of creation. However, a secondary system is currently required to handle the collection and analysis of the responses. Microsoft forms.

Responsible Party: Dean of Continuing Education
Implementation Date: January 15, 2025

Monthly Closeout and Reconciliation

- 9. Procedures Performed:** We selected three months during the scope period January 1, 2023, through January 31, 2024. For each selected month, we performed the following:
- Obtained the original monthly journal entries booked to Colleague with supporting documents.
 - Generated re-run registration reports from Lumens used to prepare the monthly journal entries.
 - Compared re-run reports to the original support to identify differences that were not recorded due to different accounting systems.

Results: No findings identified.

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Objective C: User Access

Ensure that user access to view and modify student and financial data in Colleague and Lumens is restricted to appropriate personnel and that access is periodically reviewed.

1. **Procedures Performed:** We selected all 31 active users within Lumens as of April 22, 2024, and performed the following:
 - We utilized the online College Directory to verify that the user's access was reasonable and appropriate based on their position. We ensured the privilege was restricted to appropriate personnel in the Continuing Education and Lifelong Learning groups.
 - We verified that all Power Users are listed on the most recent Power User Registration Form submitted February 29, 2024.
 - We verified that user access has been formally reviewed and evaluated in the past year.

Results: No findings identified.

2. **Procedures Performed:** We selected four individuals with critical duties within the Continuing Education Department and requested their Colleague Access Report. Using these access reports, we selected the following high-risk permissions to review all users with access to these security classes to determine if access is appropriate.
 - ST.CE.ASSC.DEAN
 - ST.CE.DIR

We selected all seven users with access to one of the above security classes and performed the following.

- We utilized the online College Directory to verify that the user's access was reasonable and appropriate based on their position. We ensured the privilege was restricted to appropriate personnel in the Continuing Education and Lifelong Learning groups.
- We verified that user access has been formally reviewed and evaluated in the past year.

Results: No findings identified.

Appendix

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The appendix defines the approach and classifications utilized by Internal Audit to assess the residual risk of the area under review, the priority of the findings identified, and the overall assessment of the procedures performed.

Report Ratings

The report rating encompasses the entire scope of the engagement and expresses the aggregate impact of the exceptions identified during our test work on one or more of the following objectives:

- Operating or program objectives and goals conform with those of the College
- College objectives and goals are being met
- The activity under review is functioning in a manner which ensures:
 - Reliability and integrity of financial and operational information
 - Effectiveness and efficiency of operations and programs
 - Safeguarding of assets
 - Compliance with laws, regulations, policies, procedures and contracts

The following ratings are used to articulate the overall magnitude of the impact on the established criteria:

- | | |
|-----------------------|--|
| Strong | The area under review meets the expected level. No high risk rated findings and only a few moderate or low findings were identified. |
| Satisfactory | The area under review does not consistently meet the expected level. Several findings were identified and require routine efforts to correct, but do not significantly impair the control environment. |
| Unsatisfactory | The area under review is weak and frequently falls below expected levels. Numerous findings were identified that require substantial effort to correct. |

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Risk Ratings

Residual risk is the risk derived from the environment after considering the mitigating effect of internal controls. The area under audit has been assessed from a residual risk level utilizing the following risk management classification system.

High

High risk findings have qualitative factors that include, but are not limited to:

- Events that threaten the College's achievement of strategic objectives or continued existence
- Impact of the finding could be felt outside of the College or beyond a single function or department
- Potential material impact to operations or the College's finances
- Remediation requires significant involvement from senior College management

Moderate

Moderate risk findings have qualitative factors that include, but are not limited to:

- Events that could threaten financial or operational objectives of the College
- Impact could be felt outside of the College or across more than one function of the College
- Noticeable and possibly material impact to the operations or finances of the College
- Remediation efforts that will require the direct involvement of functional leader(s)
- May require senior College management to be updated

Low

Low risk findings have qualitative factors that include, but are not limited to:

- Events that do not directly threaten the College's strategic priorities
- Impact is limited to a single function within the College
- Minimal financial or operational impact to the organization
- Require functional leader(s) to be kept updated, or have other controls that help to mitigate the related risk

Bond Update

College of the Mainland, 2023 Bond Program
Board Meeting

December 9, 2024



Public Safety Careers Center (PSC)

Architect: RDLR Architects

CMAR: Durotech, Inc.

Completed Activities:

- GMP # 2 – Amendment is executed
- Groundbreaking Ceremony
- Permit review ongoing

Project Milestones:

- Design Phase: July 2023 – June 2024
- Bidding: Aug 2024 – Oct 2024
- Construction Phase: Nov 2024 – May 2026
- Project is on Schedule

Ongoing/Upcoming Activities:

- Burn Building – Santa Fe FD finalizing purchase of new property
- Submit Planning Development Application for Training Tower
- GC Mobilization – start construction
- Notice to Proceed with Construction

Project Cost:

- | | |
|------------------------------|-----------------|
| • Total Project Budget: | \$34,189,359.65 |
| • Project Cost to Date: | \$1,511,810.97 |
| • Total Construction Cost: | \$26,785,339.00 |
| • Construction Cost to Date: | \$0.00 |
| • Project is in Budget | |

Welding Building & Industrial Ed (WELD_IE)

Architect: Joiner Architects

CMAR: Pogue Construction

Completed Activities:

- Welding Building:
 - Underground utilities
 - Building pad for addition (foundation)
 - Underground utilities

Ongoing/Upcoming Activities:

- Welding Building:
 - Electricians detail work
- Industrial Education Building - Classroom Demo

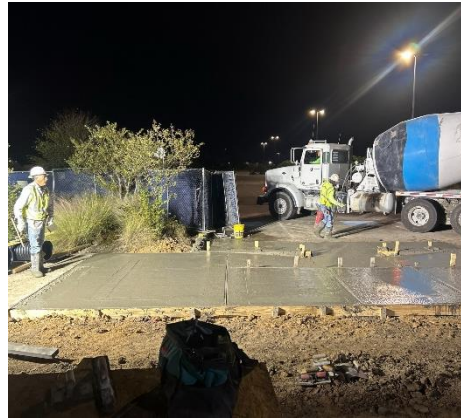
Project Milestones:

- Design Phase: July 2023 – Mar 2024
- CMAR Procurement: Aug 2023 – Oct 2023
- Construction Phase: June 2024 – Sep 2025
- Project is on Schedule

Project Cost:

- Total Project Budget: \$ 15,715,720.67
- Project Cost to Date: \$ 2,225,935.24
- Total Construction Cost: \$ 12,372,216.00
- Construction Cost to Date: \$ 997,828.50
- Project is in Budget

WELD_IE



Concrete Sidewalk Placement



IE Oil Pit Infill Preparation



*Weld Building Grade Beams
Foundation In Progress*



*IE Building High Bay K-13
Insulation*

Corporate & Continuing Ed Center (CCEC)

Architect: Kirksey Architecture

CMAR: Tellepsen

Completed Activities:

- GMP # 2 – Amendment is executed
- Groundbreaking Ceremony
- Permit review complete
- Notice to Proceed with Construction issued 12/2/2024

Project Milestones:

- Design Phase: Oct 2023 – Jul 2024
- Bidding: Aug 2024 – Oct 2024
- Construction Phase: Nov 2024- Dec 2025

Ongoing/Upcoming Activities:

- GC Mobilization – start construction
- Clearing, grading and utilities

Project Cost:

- Total Project Budget: \$15,652,505.57
- Project Cost to Date: \$ 655,121.65
- Total Construction Cost: \$13,000,000.00
- Construction Cost to Date: \$0.00
- Project is in Budget

Library Classroom Building (LCB)

Architect: Cannon Design

CMAR: Vaughn Construction

Completed Activities:

- 50% Construction Documents were issued for cost estimation and review.
- Discussion with City regarding 2024 Energy code was successful

Ongoing/Upcoming Activities:

- Team is working on the design of Parking Lot D, Monticello, and the cooling tower.
- 50% Construction Document set will be reviewed by LAN for a QC review for conformance with COM Guidelines.
- City's third-party reviewer is also reviewing the 50% Construction Document set
- Cost estimate update is scheduled for December 6 with COM Leadership

Project Milestones:

- Design Phase: July 2023 – Feb 2025
- Construction Phase: Apr 2025 – Apr 2027
- Project is on Schedule

Project Cost:

- Total Project Budget: \$ 123,453,618
- Project Cost to Date: \$ 2,827,124.71
- Total Construction Cost: \$ 99,546,407
- Construction Cost to Date: \$ 0.00
- Project scope is aligned with current Budget



Infrastructure – Parking lots A, B and C, and Deferred Maintenance – Underground Utilities

A/E: Fittz & Shipman

Contractor: Broaddus Construction

Completed Activities:

- Approximately 100% of paving completed
- Approximately 100% of sidewalk completed
- 95% Landscaping complete

Ongoing/Upcoming Activities:

- Communication regarding parking lot closures and contractor activities sent via Marketing as needed
- Complete utilities adjacent to conference center, fine arts building and Stallworth Square
- Expect to be Substantially Complete Dec. 4; punch list will be compiled week of Dec 2.
- Phase 2 (Lot B) to commence December 10, 2024

Project Milestones:

- Phase 1 – Parking Lot C : July 2024 – Dec 2024
 - Fire Water Line installation Aug 2024 – Dec 2024
 - Sanitary & Storm Sewers Sep 2024 – Dec 2024
 - New Concrete Paving & Sidewalks Aug 2024 – Dec 2024
- Phase 2 – Parking Lot B and Underground Utilities
Dec 5, 2024 - Apr 3, 2025
- Phase 3 – Parking Lot A and Underground Utilities
Apr 4, 2025 – Sept 30, 2025

Project Cost:

- Total Project Budget: \$ 13,000,000.00*
- Project Cost to Date: \$ 3,216,846.33
- Total Construction Budget: \$ 10,467,844.00
- Construction Cost to Date: \$ 2,793,261.45
- Project is in Budget

* Combined TPC for both Parking lots and Deferred Maintenance- Utilities



Parking Lot A,B,C



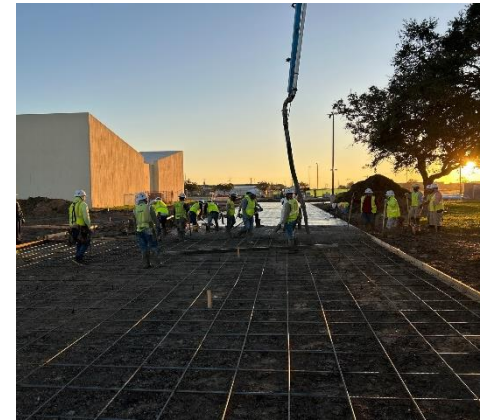
New Fire Water Line Installation



Landscaping In Progress



CMU Wall Trash Enclosure In Progress



Final Section Of Concrete Paving At Lot C

Infrastructure – Deferred Maintenance – Buildings – Reroof of Student Ctr and Conf Ctr

A/E: Joiner Architects

Contractor: Tadco Roofing

Ongoing Activities:

Re-roof work at Conference Center:

- Material submittals
- Crew mobilized and materials delivered at Conference Center site Oct 28th
- Pull Test completed Nov 4th
- Work started Nov 5th
- Uplift Test performed Nov 7th
- Start up conference center Nov 26
- Substantial Completion target – early Jan 2025

Project Milestones:

- Design Phase: Complete
- GC Procurement (CSP): Complete
- Construction Phase: Sept 2024 to Jan 3, 2025

Project Cost:

- Total Project Budget: \$ 1,459,916.00*
- Project Cost to Date: \$ 28,800.00
- Total Construction Budget: \$ 1,126,223.00
- Construction Cost to Date: \$ 0.00
- Project is in Budget

- * Sub-project Budgets are part of the Infrastructure-deferred maintenance – buildings budget

Reroofing Project

Conference Center



Demolition Started



Demolition In Progress



New Fiberboard Installation



Lift Test In Progress On New Membrane Application

Infrastructure – Deferred Maintenance – Buildings – Cooling Tower Replacement

A/E: Cannon/Cleary Zimmerman

Contractor: TBD

Ongoing Activities:

Cooling Tower Replacement:

- Cannon/CZ was approved at the August 26 BOT meeting to design through Design Development phase
- Initial design is continuing; site meeting was held September 17.
- Team has found extensive corrosion of the structure
- Replacement of the cooling tower will be scheduled based on best timing
- Cost estimate will be received Dec. 6 on Design Development

Project Milestones:

- Design Phase: Ongoing
- GC Procurement (CSP): TBD
- Construction Phase: TBD

Project Cost:

- Total Project Budget: \$ 2,333,329.01*
- Project Cost to Date: \$ 0.00
- Total Construction Budget: \$ 1,800,000
- Construction Cost to Date: \$ 0.00
- Project is in Budget

- * Sub-project Budgets are part of the Infrastructure-deferred maintenance – buildings budget



Infrastructure – Deferred Maintenance – Buildings – Fine Arts Electrical/Door Upgrade

A/E: RDLR/DBR

Contractor: TBD

Ongoing Activities:

Fine Arts Electrical Upgrade and Door/Hardware renovation:

- COM has executed contract with RDLR
- Design to begin December 1
- Estimated to be complete with documents May 2025 and begin construction July 2025
- Project will be bid as a Competitive Sealed Proposal
- Scope is being refined with Director of Facilities

Project Milestones:

- Design Phase: TBD
- GC Procurement (CSP): TBD
- Construction Phase: TBD

Project Cost:

- Total Project Budget: \$ 1,944,440.84*
- Project Cost to Date: \$ 0.00
- Total Construction Budget: \$ 1,500,000
- Construction Cost to Date: \$ 0.00
- Project is in Budget

- * Sub-project Budgets are part of the Infrastructure-deferred maintenance – buildings budget

Infrastructure – Campus Wayfinding, Signage

A/E: TBD

Contractor: TBD

Completed Activities:

- Initial coordination discussion held May 2
- Meeting to review exterior project signage was held August 5 with COM and each team and with executive leadership on September 4

Project Milestones:

- Design Phase: June 2024 – June 2026
- Bid Package: Various
- Supplier Procurement (CSP): Various
- Construction Phase: Per project

Ongoing/Upcoming Activities:

- Continue coordination and planning for project elements
- COM reviewing firms to complete an “exterior signage package” for the large monument signs on campus

Project Cost:

- Total Project Budget: \$ 1,700,000
- Project Cost to Date: \$ 0.00
- Total Construction Cost: \$ 1,360,000
- Construction Cost to Date: \$ 0.00
- Project is in Budget

Campus Furniture Planning

A/E: Cannon Design Furniture Studio

Contractor: TBD

Completed Activities:

- Request for Qualifications was issued Nov 8; responses were received Nov 22.
- COM staff reviewed lectern options and selected one

Project Milestones:

- Design Phase: April 2024 – Sept 2024
- Bid Package: Sept 2024 – Jan 2025
- Supplier Procurement (CSP): Jan 2025
- Construction Phase: Per project

Ongoing/Upcoming Activities:

- Final coordination meetings with COM staff to be held early Dec
- Furniture specifications are being developed to be bid to approved co-op vendors on Jan 10, 2025.
- Expect to award at March BOT

Project Cost:

- Total Project Budget: \$ TBD
- Project Cost to Date: \$ 185,803.56
- Total Construction Cost: \$ TBD
from within overall FF&E budget of \$11,531,102.10
- Construction Cost to Date: \$ 0.00
- Project is in Budget



Questions





PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees

From: Dr. Warren Nichols, President

Date: December 9, 2024

Subject: Agenda Item: Approval of amendment to Fittz & Shipman contract 23-05 for reimbursable expenses in an amount not-to-exceed \$10,000 for updated project scope.

AGENDA ITEM DESCRIPTION:

Approval of amendment increasing Contract 23-05 for Civil Engineering Services awarded to Fittz & Shipman for reimbursable expenses for the Parking Lots A, B, and C and utilities project.

FUNDING SOURCE:

2023 Bond

PURPOSE

Increase to contract for reimbursable expenses for the updated project scope of the Parking lots A, B and C and sanitary sewer line replacement in an amount not-to-exceed \$10,000.

PROPOSED MOTION:

“I move the Board of Trustees approve the amendment to contract 23-05 for reimbursable expenses as presented.

BACKGROUND:

On October 24, 2022, the Board of Trustees approved award of the subject contract to Fittz & Shipman as the Civil Engineer for the preliminary design development of Parking Lots A, B, & C. At the February 26, 2024 Board of Trustees meeting, the Board approved the design of Parking Lots A, B and C as well as the Waterline/ Fireline replacement project. Fittz & Shipman was initially approved for the design phase of the project. At the March 27, 2024 Board meeting, a contract amendment included the additional services necessary to proceed with the construction phase to include adding scope to the Parking Lots project for security cameras and landscaping, as well as a portion of the existing sanitary sewer. The increase in the amount of \$10,000 will amend the current contract value from not-to-exceed \$605,000 to not-to-exceed \$615,000.

Attachments:

1. LAN Summary/Cover Letter



**Lockwood, Andrews
& Newnam, Inc.**
A LEO A DALY COMPANY

To: Dr. Warren Nichols, President, College of the Mainland (COM)

From: Lockwood, Andrews & Newnam (LAN)

Date: December 9, 2024

Re: Approval of contract amendment for Fittz & Shipman for Infrastructure project:
Parking Lots A, B and C and Waterline/ Fireline/ Sanitary replacement

Background: At the February 26, 2024 Board of Trustees meeting, the Board approved the design for the Parking Lots A, B and C as well as the Waterline/ Fireline replacement project. The March 27 Board of Trustees meeting added the remaining bidding and construction administration phases of the project, as well as security cameras and landscaping. The sanitary sewer replacement (full design services through construction administration) was also incorporated into the project.

This amendment requests a contract increase of \$10,000 for Reimbursable expenses for this project.

Recommendation: LAN recommends the approval of the contract amendment to Fittz & Shipman to incorporate the Reimbursable Expenses of \$10,000. We recommend this for the December 9, 2024 Board Meeting.

A handwritten signature in blue ink, appearing to read 'P Drnevich'.

Paula J. Drnevich, AIA, LEED AP, REFP
Program Manager, LAN
pjdrnevich@lan-inc.com
mobile: (281) 384.8233



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 9, 2024
Subject: Agenda Item: Approval of amendment to Cannon Design contract 23-27 for redesign services to conform to newly published IBC 2024 Code as required by the City of Texas City

AGENDA ITEM DESCRIPTION:

Approval of amendment to Contract 23-27 for Architectural Services awarded to Cannon Design to add redesign services for the Library Classroom Building for a not-to-exceed amount of \$92,000.

FUNDING SOURCE:

2023 Bond

PURPOSE

Increase scope of Contract to provide the following Additional services:

- Redesign of project to be in conformance with the newly published IBC 2024 Code, as required by the City of Texas City.

PROPOSED MOTION:

“I move the Board of Trustees approve the amendment to Cannon Design contract 23-27 for additional services, as presented.”

BACKGROUND:

On July 24, 2023, the Board of Trustees approved award of the subject contract to Cannon Design as the Architect for the design of the Library Classroom Building project. At the March 27, 2024, Board of Trustees meeting, the Board approved combining the Academic Classroom Building with the Library Classroom Building into a single building construction project.

Redesign to IBC 2024 Code: This contract amendment includes the additional services necessary to redesign the current project, during the construction documents phase, to be in conformance with the newly published IBC 2024 Building Code, as required by the City of Texas City. The City has granted an exception for this project from compliance with the International Energy Conservation Code, version 2024. The scope includes all services as required and identified in the G802 Contract Amendment #009. These are full design and construction services for a fee increase of \$ 92,000.

The overall increase to the Contract in the amount of \$92,000 will amend the current contract value of \$8,014,249 to \$ 8,106,249.

Attachments:

1. LAN Summary/Cover Letter
2. Cannon Design – G802 Contract Amendment # 009 Proposal for the IBC 2024 Code Redesign, dated 11.21.24



To: Dr. Warren Nichols, President, College of the Mainland (COM)

From: Lockwood, Andrews & Newnam (LAN)

Date: December 9, 2024

Re: Approval of increase to Contract 23-27 for Architectural Services awarded to Cannon Design

Background: On July 24, 2023, the Board of Trustees approved award of the subject contract to Cannon Design as the Architect for the Library Classroom Building project. At the March 27, 2024, Board of Trustees meeting, the Board approved combining the Academic Classroom Building with the Library Classroom Building into a single building construction project.

This contract amendment includes the additional scope of Design and Construction Administration Services to redesign the project to be in compliance with the 2024 IBC Building Code, as required by City of Texas City. The City has granted an exception to compliance with the 2024 Energy Code; the project will remain in compliance with the 2021 Energy Code.

The attached G802 AIA Document #009 outlines the scope and associated cost. These additional services will become a part of the Library Classroom Building project, increasing the Architect's fee by \$ 92,000. The Cannon Design contract will increase from \$8,014,249 to \$ 8,106,249.

Recommendation: LAN recommends the approval of AIA Document G802 #009 to incorporate the added scope increase to Cannon Design's contract. This contract has been reviewed by LAN and COM's General Counsel. We recommend this for the December 9, 2024, Board Meeting.

A handwritten signature in blue ink, appearing to read 'P Drnevich'.

Paula J. Drnevich, AIA, LEED AP, REFP
Program Manager, LAN
pjdrnevich@lan-inc.com
mobile: (281) 384.8233



AIA® Document G802® – 2017

Amendment to the Professional Services Agreement

PROJECT: *(name and address)*
New Library and Classroom Building
College of the Mainland
1200 Amburn Road
Texas City, TX 77591

AGREEMENT INFORMATION:
Date: July 25, 2023

AMENDMENT INFORMATION:
Amendment Number: AS-009
Date: November 21, 2024

OWNER: *(name and address)*
College of the Mainland
1200 Amburn Road,
Texas City, TX 7759

ARCHITECT: *(name and address)*
Cannon Design, Inc.
3737 Buffalo Speedway, Suite 1200
Houston, TX 77098

The Owner and Architect amend the Agreement as follows:
The original project scope shall be revised to include the following:

Resulting from Texas City's recent adoption of the IBC 2024 building code, we are required to revise the design to comply with IBC 2024. Prior to this recent code adoption by Texas City, the project was being designed under the IBC 2021 building code. The revision to the IBC 2024 building code will necessitate additional design services including: code analysis, update code documentation, plan and specification updates, MEP services including analysis and re-design of the HVAC, power, and lighting.

See attachment A "IBC 2021 - 2024 Change Summary_11-21-2024" for detailed breakdown of services required.

Exclusions
-Compliance with International Energy Conservation Code, version 2024

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:
Total Compensation Adjustment - \$92,000

Schedule Adjustment:
The project schedule will not be revised as a result of these Additional Services.

All of the other terms and conditions contained in the AIA B101 -2017 Standard Form of Agreement between Owner and Architect executed between the parties and dated the 25th day of July in the year 2023, shall remain valid and in full force and effect.

Attachments:
Attachment A: IBC 2021 - 2024 Change Summary_11-21-2024

SIGNATURES:

Cannon Design, Inc.
ARCHITECT *(Firm name)*

College of the Mainland
OWNER *(Firm name)*

SIGNATURE

Michael Corb, Principal
PRINTED NAME AND TITLE

November 21, 2024

DATE

SIGNATURE

Dr. Warren Nichols, President
PRINTED NAME AND TITLE

DATE



COM LCB

IBC 2024 Code Revisions 11.21.2024 Update

No Item Design Cost Impact Construction Cost Impact

Architecture				
1	Duties and powers of the building official: an overall reformat of Section 104 regulating duties of the building official, the approach for reviewing for code compliance has been significantly updated to reflect the current manner that alternate materials, designs and	\$0	N/A	No anticipated impacts to the LCB.
2	The 2024 IBC includes provisions for tornado loadings.	\$0	\$0	These do not apply to B occupancies. Per Structural engineer, this will not drive any modifications to LCB.
3	Updated wind, earthquake, and snow loads.	\$0	\$0	Per Structural engineer, this will not drive any modifications to LCB.
4	Updates to Risk Categories including Photovoltaic (PV) panel systems and facilities providing power generation.	\$0	N/A	No anticipated impacts to the LCB.
5	Updated and expanded provisions for Temporary Structures.	\$0	N/A	No anticipated impacts to the LCB.
6	New provisions regarding the wind resistance of aggregate-surfaced roofs.	\$0	N/A	This is not being specified for the LCB. No anticipated impacts to the LCB.
7	New special inspection provisions for metal building systems.	\$0	N/A	No anticipated impacts to the LCB.
8	Masonry: TMS 402 and TMS 602 references have been updated to the latest 2022 editions.	\$0	N/A	No anticipated impacts to the LCB.
9	Occupiable space requirements now apply if a roof is usable for anything more than maintenance or repair and occupants must have access to multiple egress options from a story based on the occupant load and the story requirements.	\$0	N/A	No anticipated impacts to the LCB.
10	Adult changing tables are now regulated where they are provided and are also required in large assembly and mercantile, college lecture hall/classroom buildings and highway rest stops.	\$12,000	\$20,000	Per code one adult changing table needs to be accessible from each floor of the building. A total of two in the building will need to be provided, separated by no more than one floor. Requires re-work of stacked restrooms and surrounding spaces
11	Fire-resistance-rated Wall Continuity: Updates on how supporting construction for exterior walls is to be fire-resistance-rated, especially in the case of a parapet.	\$0	N/A	No anticipated impacts to the LCB.
12	Openings in Shaft Enclosures: Additional exceptions are provided for shaft enclosures, including new allowances for openings and penetrations.	\$0	N/A	No anticipated impacts to the LCB.
13	Carbon Monoxide Detection: Carbon monoxide (CO) detection is now required in all occupancies where a CO-producing device is present. Detection and notification can be addressed in several ways.	\$0	N/A	No anticipated impacts to the LCB.
14	Vapor retarders: Several updates have been made to the vapor retarder provisions for consistency with the IRC and IECC. The changes also provide additional options and better guidance for allowable types and locations of permitted vapor retarders.	\$0	N/A	No anticipated impacts to the LCB.
15	Vertical and lateral Flame propagation compliance methods: Clarification has been provided as to when testing in accordance with NFPA 285, related to vertical and lateral flame propagation, is required. Previously this information was scattered in a variety of	\$0	N/A	No anticipated impacts to the LCB.
16	Update Management Fee	\$25,000	7.73%	Vaughn percent fee would be applied to any construction cost additions
Plumbing				
1	Added provisions for supporting piping in expansive soil. Building will require a "mudskipper" type system or additional excavation and refill with select fill. Previous projects indicate the select fill option is less expensive and less complex.			COM prefers select fill building pad option to mudskipper.
2	Expansion joint likely required where under slab plumbing exits the building (vault).		\$10,000	
3	Design Fee	Incl. in MEP total under "Energy"		
Mechanical				

1	Labeling requirements for systems that use A2L/B2L		\$2,000	
2	Depending on refrigerants in mini split systems, ventilated fire rated shafts may be required to enclose the refrigerant lines. There are exceptions and we anticipate being able to avoid this issue due to low quantity of refrigerant in each system.		\$50,000	The add is a maybe. Design team believes project will qualify for an exception.
3	Design Fee (Inclusive of MEP)	\$ 45,000		
Electrical				
1	Renewable Energy systems. Building shall have on-site renewable energy (Solar Panels) with a rated capacity of not less than 0.75 W/SF multiplied by the sum of the largest three conditioned floor areas. ~93 KW for our project. An exception allows this to be offset either partially or in full with a renewable energy power purchase agreement over not less than 10 years with a KWH total of 1.55 KWH/W times the PV panel requirement multiplied over 15 years, which is ~2145 MWH			COM prefers green energy purchase and not to add PV
1.a	PV Panel Add - (\$4500/kW x 93kW + infrastructure)	\$0	\$500,000	
1.aa	PV Panel Design Fee			\$30,000, but direction received is to not pursue
1.b	Green Energy Add (2145 MWH of electricity at \$0.15/kwh over 10 yrs.)	\$0	\$321,722	Cost is over 10 years. COM prefers going route of green energy purchase. COM preference is to purchase green
2	Electric Vehicle Charging Stations	N/A	N/A	No longer required in final code version released
Energy				
1	Energy credits will be required to be earned throughout various means across the disciplines of the project. These could be architectural envelope credits, mechanical credits through items like grid integrated thermostats, energy storage systems or lighting credits for reduced use. The extent of this requires more research to understand the extent of design changes required. Please see 2024 IECC section C406 for further information		N/A	Texas City granted exception
2	Update the building energy model based on revised mechanical and electrical requirements.	\$10,000	N/A	Requires re-building energy model with new MEP information. New baselines with new analyses. Update code compliance sheets. Does not take into account compliance with IECC 2024.
3	Compliance with 2024 IECC section C406 and additional design for new infrastructure.	\$0	TBD	Texas City granted exception
Structure				
1	New provisions for structural concrete reinforced with glass-fiber reinforcement.	\$0	N/A	
2	No anticipated revisions from the current IBC 2021.	\$0	\$0	
Site / Civil				
1	No anticipated revisions from the current IBC 2021.	\$0	\$0	
Total Anticipated Fees/ Costs*		\$92,000	\$403,722	
Addition for IECC 2024 compliance		\$0	\$821,722	

Excludes solar panels & Green Energy costs



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 9, 2024
Subject: Agenda Item: Approval of amendment to Cannon Design contract 23-27 for design services for the cooling tower replacement project

AGENDA ITEM DESCRIPTION:

Approval of amendment to Contract 23-27 for Architectural Services awarded to Cannon Design to add design services for the Library Classroom Building for a not-to-exceed amount of \$47,490.

FUNDING SOURCE:

2023 Bond

PURPOSE

Increase scope of Contract to provide the following Additional services:

- Design of cooling tower replacement project for the Construction Documents through warranty phases.

PROPOSED MOTION:

“I move the Board of Trustees approve the amendment to Cannon Design contract 23-24 for additional services, as presented.”

BACKGROUND:

On July 24, 2023, the Board of Trustees approved award of the subject contract to Cannon Design as the Architect for the design of the Library Classroom Building project. At the March 27, 2024, Board of Trustees meeting, the Board approved combining the Academic Classroom Building with the Library Classroom Building into a single building construction project.

Design of the Cooling Tower Replacement project: At the August 2024 Board of Trustees meeting, approval was given to design the cooling tower project through the Design Development phase. This contract amendment includes the additional services necessary to design the cooling tower replacement concurrent with the building project, from the construction documents phase through warranty phase. The scope includes all services as required and identified in the G802 Contract Amendment #010. These are full design and construction services for a fee increase of \$47,490.

The overall increase to the Contract in the amount of \$ 47,490 will amend the current contract value of \$ 8,106,249 to \$ 8,153,739.

Attachments:

1. LAN Summary/Cover Letter
2. Cannon Design – G802 Contract Amendment # 010 Proposal for the Cooling Tower Replacement design, dated 12.03.24



To: Dr. Warren Nichols, President, College of the Mainland (COM)

From: Lockwood, Andrews & Newnam (LAN)

Date: December 9, 2024

Re: Approval of increase to Contract 23-27 for Architectural Services awarded to Cannon Design

Background: On July 24, 2023, the Board of Trustees approved award of the subject contract to Cannon Design as the Architect for the Library Classroom Building project. At the March 27, 2024, Board of Trustees meeting, the Board approved combining the Academic Classroom Building with the Library Classroom Building into a single building construction project.

This contract amendment includes the additional scope of Design and Construction Administration Services to complete the design of the cooling tower replacement as part of the overall LCB project.

The attached G802 AIA Document #010 outlines the scope and associated cost. These additional services will become a part of the Library Classroom Building project, increasing the Architect's fee by \$ 47,490. The Cannon Design contract will increase from \$ 8,106,249 to \$ 8,153,739.

Recommendation: LAN recommends the approval of AIA Document G802 #010 to incorporate the added scope increase to Cannon Design's contract. This contract has been reviewed by LAN and COM's General Counsel. We recommend this for the December 9, 2024, Board Meeting.

Paula J. Drnevich, AIA, LEED AP, REFP
Program Manager, LAN
pjdrnevich@lan-inc.com
mobile: (281) 384.8233

DRAFT

AIA® Document G802™ - 2017

Amendment to the Professional Services Agreement

PROJECT: *(name and address)*

New Library and Classroom Building
College of the Mainland
1200 Amburn Road
Texas City, TX 77591

AGREEMENT INFORMATION:

Date: July 25, 2023

AMENDMENT INFORMATION:

Amendment Number: AS-010
Date: December 3, 2024

OWNER: *(name and address)*

College of the Mainland
1200 Amburn Road,
Texas City, TX 7759

ARCHITECT: *(name and address)*

Cannon Design, Inc.
3737 Buffalo Speedway, Suite 1200
Houston, TX 77098

The Owner and Architect amend the Agreement as follows:

The original project scope shall be revised to include remaining full design services through construction administration and post-construction for the replacement of two (2) existing campus cooling towers and associated system components in the central plant. This will necessitate additional MEP engineering, structural engineering, and Design Architect Project Management. Included services are as follows:

MEP Engineering

- Produce final construction documents for the new cooling towers and their associated hydronic, controls and electrical systems.
- Participate in bidding and construction administration responding to pre-bid RFIs, addenda, construction RFIs, and construction submittals

Structural Engineering

- Produce final construction documents for the new cooling towers and replacement steel.
- Participate in bidding and construction administration responding to pre-bid RFIs, addenda, construction RFIs, and construction submittals

Design Architect Project Management

- Project management oversight and review of MEP, structural engineering, and cost estimating deliverables.

Other design disciplines, included civil engineering are not anticipated or included in this Additional Service.

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:

MEP Engineering, Cleary Zimmermann (\$35,490).
Structural Engineering, Walter P Moore (\$7,000)
Architecture Project Management, CannonDesign (\$5,000)
Total fee adjustment: \$47,490

Schedule Adjustment:

The project schedule will not be revised as a result of these Additional Services.

All of the other terms and conditions contained in the AIA B101 -2017 Standard Form of Agreement between Owner and Architect executed between the parties and dated the 25th day of July in the year 2023, shall remain valid and in full force and effect.

SIGNATURES:

Cannon Design, Inc.
ARCHITECT (Firm name)

College of the Mainland
OWNER (Firm name)

SIGNATURE
Michael Corb, Principal
PRINTED NAME AND TITLE
August 16, 2024
DATE

SIGNATURE
Dr. Warren Nichols, President
PRINTED NAME AND TITLE
DATE





PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 9, 2024
Subject: Recommendation – Enrollment Coach (Replacement)

Presented for recommended approval to the Board of Trustees on December 9, 2024 and forwarded for recommended approval to the Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees approve the appointment of Elizabeth Gross to the position of Enrollment Coach, Strategic Enrollment Management Department.”

PURPOSE

Performs moderately complex work advising students from connection to entry. Responsible for implementing recruitment and enrollment strategies and utilizing a caseload management approach to support students throughout the enrollment process. May provide services for special populations.

BACKGROUND

This is a replacement position for Naomi Grimaldo.

IMPLICATIONS

Financial: \$52,201 from budget 11-0-0000-4131-5140.

Strategic Goal 5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

ATTACHMENTS

1. Appointment Nomination



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 9, 2024
Subject: Recommendation – Facilities Services Manager (Replacement)

Presented for recommended approval to the Board of Trustees on December 9, 2024 and forwarded for recommended approval to the Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees approve the appointment of Travis Prior to the position of Facilities Services Manager, Facility Services Department.”

PURPOSE

The Facilities Services Manager performs a variety of important functions to ensure clean, healthy, safe and attractive campus facilities and amenities. The role administers significant service and supplies contracts, provides ancillary services, assures quality and delivers exemplary customer service. Exceptional communication, organizational and interpersonal skills are essential.

BACKGROUND

This is a replacement position for Eduardo Gonzalez.

IMPLICATIONS

Financial: \$79,496 from budget 11-0-0000-6101-5140.

Strategic Goal 5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

ATTACHMENTS

1. Appointment Nomination



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 9, 2024
Subject: Recommendation – Director of Quality Enhancement Plan (New)

Presented for recommended approval to the Board of Trustees on December 9, 2024 and forwarded for recommended approval to the Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees approve the appointment of Kelley Waters to the position of Director of Quality Enhancement Plan, Academic & Student Affairs.”

PURPOSE

Successfully implement College of the Mainland’s Quality Enhancement Plan (QEP) for students, faculty and staff in support of institutional accreditation. Continue leadership throughout the QEP, culminating with the submission of the QEP Impact Report as a component of the SACSCOC 5th Year Interim Report.

BACKGROUND

This is a new position approved by the Board of Trustees.

IMPLICATIONS

Financial: \$83,667 from budget 11-0-0000-1325-5140.

Strategic Goal 5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

ATTACHMENTS

1. Appointment Nomination



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 9, 2024
Subject: Recommendation – Payroll Specialist (Replacement)

Presented for recommended approval to the Board of Trustees on December 9, 2024 and forwarded for recommended approval to the Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees approve the appointment of Monica Wylie to the position of Payroll Specialist, Human Resources Department.”

PURPOSE

Performs a variety of accounting/payroll duties to ensure that payrolls are processed accurately and timely while delivering professional customer service in the execution of these duties.

BACKGROUND

This is a replacement position for Patty Rosenfield.

IMPLICATIONS

Financial: \$59,726 from budget 11-0-0000-5113-5140.

Strategic Goal 5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

ATTACHMENTS

1. Appointment Nomination

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 9, 2024
Subject: Recommendation – Acceptance of Non-Contractual Positions Hiring Report

Presented for recommended acceptance to Board of Trustees on December 9, 2024.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees accept the *Non-Contractual Positions Hiring Report* as written.”

PURPOSE

The *Non-Contractual Positions Hiring Report* is being presented to the Board of Trustees for review and acceptance.

BACKGROUND

Notwithstanding Board policy DC (Local) which states that the Board delegates to the College President final authority to employ and dismiss non-contractual classified employees on an at-will basis, based on recommendations from the staff the persons listed on the attached Non-Contractual Positions Hiring Report is recommended for employment.

IMPLICATIONS

Financial:

Accounting Specialist II - Cashier - \$34,505 from budget 11-0-0000-5112-5160

Police Officer - \$58,297 from budget 11-0-0000-5151-5160

Strategic Goal #5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

Attachments

Non-contractual Positions Hiring Report

	POSITION	DEPARTMENT	CLASS SUMMARY	POSITION STATUS	SELECTED CANDIDATE	SALARY	SALARY RANGE
1	Accounting Specialist II-Cashier	Financial Services	Provides a variety of routine cashier, bookkeeping, and account computations; may perform general office support duties, including data entry, word processing and filing.	Replacment for Robin Trochesset	Shaddai Oros	\$34,505	\$33,125 - \$41,406 - \$49,687
2	Police Officer	Campus Police	Provides safety and security for staff, students and visitors. Performs law enforcement duties in controlling and analyzing crime scenes, establishing order at traffic accidents and identifying and enforcing parking violations.	Replacment for Jacob Bickham	Zsache McNeil	\$58,297	\$47,437 - \$58,297 - \$69,156
3							
4							
5							
6							
7							
8							



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: December 9, 2024
Subject: Agenda Item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Approval of contract 25-02 for Medical Manikins for Labor and Delivery Simulation

FUNDING SOURCE:

JET Grant

PURPOSE

Provide high fidelity labor and delivery simulation manikin equipment to upgrade existing labor and delivery manikins to support Nursing students and staff

PROPOSED MOTION:

“I move the Board of Trustees approve award of contract 25-02 to purchase Medical Manikins from Laerdal in an amount not-to-exceed \$244,207.08 to be paid with Grant funds.”

BACKGROUND:

The standard equipment and software tools currently used by the Nursing program are various simulation programs manufactured by Laerdal. The subject purchase of additional equipment must be compatible with the existing programs used by the Nursing program. Therefore, this purchase is considered a captive component to existing hardware/software used by the Nursing program. Laerdal provides educational discounts in accordance with the Buyboard cooperative contract #704-23. Based on the above, this contract award recommendation is considered a competitive procurement in accordance with Texas Education Code 44.031. It is the recommendation of COM Administration to award the subject contract to Laerdal for a total not-to-exceed amount of \$244,207.08 to be paid with Grant funds.

Attachments:

Laerdal Proposal
Buyboard Contract

Quote Q-1045077

Laerdal Medical Corporation

167 Myers Corners Road
 Wappingers Falls, NY 12590
 Order to: 877-LAERDAL
 Fax Order To: (800) 227-1143
 Email: customerservice@laerdal.com



Laerdal[®]
 helping save lives

Territory Manager

Jeff Taylor
 845-296-6361
 jeff.taylor@laerdal.com

Lead Specialist

Dan Baumgardner
 dan.baumgardner@laerdal.com

Instructions

To prevent any delays in processing your purchase, please include your quote # when ordering.

DATE: 11-20-2024

ATTN: Carla Burris
 +14099381211
 cburris1@com.edu

QUOTE NUMBER: Q-1045077
 CREDIT TERMS: 30 days
 EXPIRATION DATE: 12-31-2024
 PO NUMBER:

BILL TO: 00107204

COLLEGE OF THE MAINLAND
 Accounts Payable
 1200 Amburn Rd
 Texas City TX 77591-2499

SHIP TO:

Carla Burris
 COLLEGE OF THE MAINLAND
 1200 Amburn Road
 Texas City TX 77591

BuyBoard Contract 704-23 Applied

MamaAnne Dark

Qty	Description	List Price	Term	Unit Price	Total
2	380-00250 MamaAnne Dark Includes: MamaAnne Dark Manikin, Birthing Baby with Placenta, Incomplete Placenta with Retained Parts, Delivery and Transition to PPH Belly with Palpable Contractions, Boggy and Firm Uterus, Advanced PPH Uterus with Cervix, Cephalic and Breech Clamps, 2x Clean Bleed Mat, Set of Consumables, Gown, Quick Setup Guide, User Guide.	\$61,000.00		\$57,340.00	\$114,680.00
2	370-00033 MamaBirthie Dark with C-section Module	\$2,049.00		\$0.00	\$0.00
2	400-01050 LLEAP Software License	\$6,199.00		\$5,827.06	\$11,654.12

MamaAnne Dark

Qty	Description	List Price	Term	Unit Price	Total
2	400-10201 Laptop For use with LLEAP, Ultrasound, or as a Patient Monitor	\$2,249.00		\$2,114.06	\$4,228.12
2	400-29301 All In One Panel PC For use with LLEAP, or as a Patient Monitor.	\$2,849.00		\$2,678.06	\$5,356.12
2	380-83050 MamaAnne On-Site Installation A professional product installation by a trained Laerdal Service Engineer or an authorized Laerdal Service Provider. Includes unpacking and set up of the simulator and accessories, including Laerdal supplied PCs. Installation of the Laerdal Application Software and a complete product quality inspection with full-functional test.	\$2,799.00		\$2,631.06	\$5,262.12
TOTAL:					\$141,180.48

SimBaby Dark

Qty	Description	List Price	Term	Unit Price	Total
2	246-00250 SimBaby Dark Includes: SimBaby Manikin, IO Lower Left Leg (2), IO Lower Right Leg (2), Kind Removal Tape, 60ml Syringe, Airway Lubricant, Power Supply, Power Cords (4), IPI, Self Sealing Cap (5), Chest Drain Skin (5), Drain Bag IV/IO (2), IO Leg Sealing Tape, Chest Drain Ribs, IV Port Seal (20), Ethernet cable flat + LAN connector, IPI, User Guide and Laerdal Global Warranty	\$40,299.00		\$37,881.06	\$75,762.12
2	400-01050 LLEAP Software License	\$6,199.00		\$5,827.06	\$11,654.12
2	400-10201 Laptop For use with LLEAP, Ultrasound, or as a Patient Monitor	\$2,249.00		\$2,114.06	\$4,228.12

SimBaby Dark

Qty	Description	List Price	Term	Unit Price	Total
2	400-29301 All In One Panel PC For use with LLEAP, or as a Patient Monitor.	\$2,849.00		\$2,678.06	\$5,356.12
2	246-83050 SimBaby On-Site Installation A professional product installation by a trained Laerdal Service Engineer or an authorized Laerdal Service Provider. Includes unpacking and set up of the simulator and accessories, including Laerdal supplied PCs. Installation of the Laerdal Application Software and a complete product quality inspection with full-functional test.	\$2,749.00		\$2,584.06	\$5,168.12
TOTAL:					\$102,168.60

ITEM TOTAL:	\$243,349.08
SHIPPING/HANDLING:	\$858.00
ADDITIONAL CHARGE/CREDIT:	
TAX:	\$0.00
TOTAL:	\$244,207.08

There are various payment options; please see bottom of your quote for further clarification. Appropriate Sales Tax will be added to invoice - Pricing and Availability are subject to change Shipping/Handling costs will be added to invoice

By Accepting this Quote, the following terms are hereby incorporated into customer's order:

Products:

Products that are currently on contract will be removed immediately if manufacturing or distribution of the product is discontinued.

Payment:

Net 30 Days for approved open accounts; CIA; Credit Cards accepted. Financing options now available – sample leasing payment terms follow.

Warranty:

One(1) year warranty on manufactured products and 90 day warranty on refurbished products
Two(2) year parts replacement warranty with technical assistance by phone on all Hill-Rom refurbished products

Delivery:

If you require delivery of the product to a specific location within your building, there will be an additional charge. This charge will be included in the total Shipping and Handling cost stated in this quote.

Delivery of product to a site without a loading dock will require Lift Gate delivery and should be identified during quote process as there is an added fee. In addition, if delivery to a specific location within a building is needed, it is available at an additional cost. Please ensure that necessary delivery requirements are discussed, and the related fees are included on the quote. This will also enable us to set proper delivery expectations with our warehouse.

Training/Education:

Onsite and Virtual Education will expire one (1) year from date of purchase. Exceptions include:

- Educational Pathway trainings will expire two (2) years from date of purchase. Five (5) or more Ed Path Training days will expire in five (5) years.
- Contracts/Technology Sustainment Program (TSP)
- Advanced Care & Maintenance Courses

CANCELLATION or RESCHEDULING of EDUCATIONAL or TECHNICAL SERVICES WILL RESULT IN CANCELLATION/RESCHEDULING FEES.

7 DAYS OR LESS: 100% of Course / Service Cost
8 DAYS to 2 WEEKS: 75% of Course / Service Cost
15 DAYS to 20 DAYS: 50% of Course / Service Cost
3 WEEKS or MORE: NO FEE

Customer will be required to submit a new PO to reschedule a cancelled course / service.

Confidential



Laerdal

helping save lives



MamaAnne™

Advancing Maternal Survival and Care

Training health professionals to deliver high-quality care during critical obstetric emergencies is essential in addressing the maternal health crisis. MamaAnne, our high-fidelity birthing simulator, focuses on clinical relevance, rapid setup, and modularity to promote realism, ease of use, and adaptability.

MamaAnne empowers your teams to meet competency requirements, fosters inclusivity, and supports the growth of simulation as maternal care advances.



Features

Deliveries and Drills

- Occiput anterior delivery
- Occiput posterior delivery
- Breech delivery
- Shoulder dystocia
- Eclampsia and preeclampsia
- Postpartum hemorrhage (PPH) with internal uterus or Clean Bleed Mat
- 1.5L internal and 5.0L external blood reservoirs
- Assisted deliveries: forceps and vacuum
- Maternal collapse
- Sepsis
- Cord prolapse
- Placenta delivery

Pelvis Anatomy

- Ischial spines
- Pubic bone
- Urinary catheterization
- 375mL urine reservoir
- Bi-manual compression
- Anus for post-delivery assessment
- Rectal suppository simulation

Abdomen

- Palpable contractions
- Atonic and tonic uterus
- Suprapubic pressure sensing
- Fetal heart sounds
- Compatible with Laerdal-SonoSim Ultrasound Solution 2.0

Airway

- Realistic airway with uvula, vocal cords, and esophagus
- Tongue edema
- Bilateral and unilateral lung blockage
- Head tilt / chin lift
- Jaw thrust with articulated jaw
- Suctioning techniques (oral and nasopharyngeal)
- Bag-mask ventilation
- Oropharyngeal intubation
- Nasopharyngeal intubation
- Combitube, LMA and other airway device placement
- Endotracheal intubation
- Nasal and oral fiberoptic intubation
- Right mainstem intubation
- Supports Sellick Maneuver

Breathing

- Spontaneous breathing synchronized with selected breath rate (0-60 bpm)
- Variable respiratory rates
- Anterior and posterior lung sound auscultation sites
- Compatible with ASL 5000™ Lung Solution

Vascular

- Pre-ported IV access in both arms
- Subcutaneous and intramuscular injection sites
- Intraosseous access
- Volume infusion

Circulation

- Adjustable BP levels: systolic / diastolic
- BP measured manually by auscultation of Korotkoff sounds
- Bilateral carotid, brachial, radial, femoral, and pedal pulses, synchronized with ECG
- Pulse strength variable with BP
- Pulse palpation is detected and logged
- Supports NIBP

Cardiac

- CPR compressions generate palpable pulses, blood pressure waveform, and ECG artifacts
- Realistic compression depth and resistance
- Detection of depth, release, and frequency of compressions
- Real time feedback on quality of CPR
- Extensive ECG Library
- Heart sounds synchronized with ECG
- ECG rhythm monitoring when used with simulated patient monitor

Movement

- Full articulation of arms and legs
- Able to position on all fours: 90-degree arm locking mechanism, realistic rotation of the shoulder and hip joints, and leg bends at the knee
- Sits unassisted with fully articulating hip joints
- Seizures / convulsions
- Other positions: supine, semi-recumbent, left lateral, lithotomy, and McRoberts

Birthing Baby

- Realistic weight and size of full-term neonate
- Palpable limbs and fontanelles
- Anatomical landmarks to identify presentation of baby
- Cutable umbilical cord
- Natural head flex
- Open mouth

Other

- Patient voice: pre-recorded and custom sounds, instructor can simulate patient's voice
- Blinking eyes with adjustable blink rate
- Ability to open, close, or partially close eyes for consciousness cue
- Pupillary accommodation:
 - Synchrony / asynchrony
 - Normal and sluggish speed of response

Software Controls

- Simulated touchscreen patient monitor
- LLEAP operation provides additional simulated parameters including CO2, CVP, ICP, anesthetic agent, TOF, cardiac output, and more. In addition, the LLEAP monitoring options can display x-ray, custom images, and custom video
- Simulated electronic fetal monitoring
- Compatible with VitalsBridge™ FM

Take Your Simulation Training Further

SimCapture

Simulation and Debriefing Management Solution



ASL 5000™ Lung Solution

Realistic ventilation management training



Laerdal-SonoSim Ultrasound Solution 2.0

Ultrasound training, assessment, and testing



VitalsBridge™ FM

Real monitors, real training



Every MamaAnne is paired with a MamaBirthingie

When MamaAnne is purchased, a MamaBirthingie is gifted to you to support your program.

Additionally, a second MamaBirthingie is donated to a selected partnership program for a community in need.



Ordering Information

380-00250

MamaAnne Dark

Every MamaAnne is paired with a MamaBirthingie at no cost.

Expand your simulation

390-02450	Laerdal-SonoSim Ultrasound Solution 2.0
405-01400	VitalsBridge4
405-00500	VitalsBridge™ FM
420-11900	ASL 5000™ Lung Solution
215-01050B	Laerdal Scenario Cloud

Computer Options

400-10201	Laptop Instructor/Patient Monitor
400-09201	Tablet-PC Instructor/Patient Monitor
400-09501	Rugged Tablet Instructor/Patient Monitor
400-29301	All-in-One Panel PC Instructor/Patient Monitor

Services

Laerdal offers comprehensive Educational Services to support your faculty competency development needs to optimize learning potential in your students, and Technical Services to help ensure your equipment is operational for maximum performance.



Laerdal
helping save lives



Vendor Contract Information Summary

Vendor Laerdal Medical Corporation
Contact James Baker
Phone 845-217-1040
Phone Extension 1033
Email james.baker@laerdal.com
Vendor Website www.laerdal.com
TIN 132587752
Address Line 1 167 Myers Corners Road
Vendor City Wappingers Falls
Vendor Zip 12590
Vendor State NY
Vendor Country USA
Delivery Days 10
Freight Terms FOB Destination
Payment Terms Net 30
Shipping Terms Freight prepaid by vendor and added to invoice
Ship Via Prepaid, Add to Invoice
Designated Dealer No
EDGAR Received Yes
Service-disabled Veteran Owned No
Minority Owned No
Women Owned No
National No
No Foreign Terrorist Orgs Yes
No Israel Boycott Yes
MWBE No
ESCs All Texas Regions
States All States
Contract Name First Aid, Emergency Medical, and Athletic Trainer Supplies and Equipment
Contract No. 704-23
Effective 06/01/2023
Expiration 05/31/2026
Accepts RFQs Yes



Vendor Contract Information Summary

Return Policy All products to be returned must be returned within sixty (60) days of invoice date, with a valid Return Material Authorization (RMA) number.



MINUTE ORDER

To: Board of Trustees

From: Warren Nichols, President

Date: November 18, 2024

Subject: Investment Policy, Investment Strategy, and Annual Appointment of Investment Officers.

Presented for recommended approval to the Board of Trustees on December 9, 2024.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees accept the College’s Investment Policy CAK (Legal) and CAK (Local), Investment Strategy and David Wesse, Vice President for Fiscal Affairs, and Trudy Trochesset, Controller, as the College’s Investment Officers, effective September 1, 2024.”

PURPOSE

For the Board of Trustees to conduct the annual review and approval of the College’s Investment Policy CAK (Legal) and CAK (Local), Investment Strategy and to approve the Investment Officers.

BACKGROUND

Currently, the College’s surplus funds are invested in available interest-earning checking accounts of the College’s depository bank, and in TexPool and Logic Investment Services for public funds.

ATTACHMENTS

1. Investment Strategy
2. Policy CAK (Legal) and CAK (Local)



PRESIDENT'S OFFICE

Investment Strategy

Assessment of Available Cash Balances for Investment

Operating cash balances are anticipated to remain at a level sufficient to provide for timely payment of expenditures while still earning interest income on the remaining balance. Budget projections for fiscal year 2023-2024 and 2024-2025 indicate surplus cash levels to be invested on a short-term basis, which in one year or less, should remain consistent with the cash flow from the prior year.

Strategy for all Funds

- Investments must be such that both principal and interest are available on a given date to provide for timely payment of expenditures.
- Investment maturities will be matched to cash flow requirements.
- Remaining cash balances in the College's bank accounts or "float" balance draw interest under the terms of the depository contract with respect to interest bearing checking accounts.
- If large and/or long-term cash surpluses exist, other acceptable investments will be pursued to maximize the College's interest earnings. However, preservation and safety of principal will be the priority.

Types of Investments

Currently, the College's surplus funds are invested in available interest-bearing checking accounts of deposit of the College's depository bank, and in TexPool and Logic Investment services for public funds. But in the future, it is our intent to utilize any of the investment instruments that the Board of Trustees approved in Policy CAK (Local) and are listed below:

1. Obligations of, or guaranteed by, governmental entities as permitted by Government Code 256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. A securities lending program as permitted by Government Code 2256.015.
5. Banker's acceptances as permitted by Government Code 2256.012.
6. Commercial paper as permitted by Government Code 2256.013.
7. No-load money market mutual funds and no-load mutual funds as permitted by Government Code 2256.014.
8. A guaranteed investment contract as an investment vehicle for bond proceeds, provided it meets the criteria and eligibility requirements established by Government Code 2256.015.
9. Public fund investment pools as permitted by Government Code 2256.016.

Approved by the Board of Trustees on 12/09/24.

APPROPRIATIONS AND REVENUE SOURCES
INVESTMENTS

CAK
(LEGAL)

**Public Funds
Investment Act**

A college district must comply with the Public Funds Investment Act, Government Code Chapter 2256.

**Investment
Compliance**

All investments made by investing entities, including college districts, shall comply with Government Code Chapter 2256, Subchapter A, and all federal, state, and local statutes, rules, or regulations. *Gov't Code 2256.026*

Written Policies

The governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds under its control. The investment policies must be written; primarily emphasize safety of principal and liquidity; and address investment diversification, yield, and maturity and the quality and capability of investment management; and include:

1. A list of the types of authorized investments in which the investing entity's funds may be invested;
2. The maximum allowable stated maturity of any individual investment owned by the entity;
3. For pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date of the portfolio;
4. Methods to monitor the market price of investments acquired with public funds;
5. A requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and
6. Procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Government Code 2256.021 [see Loss of Required Rating, below].

Gov't Code 2256.005(a)–(b)

Annual Review

The governing body of an investing entity shall review its investment policy and investment strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies. *Education Code 51.0032; Gov't Code 2256.005(e)*

APPROPRIATIONS AND REVENUE SOURCES
INVESTMENTS

CAK
(LEGAL)

Investment
Strategies

As an integral part of the investment policy, the governing body shall adopt a separate written investment strategy for each of the funds or group of funds under its control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance:

1. Understanding of the suitability of the investment to the financial requirements of the entity;
2. Preservation and safety of principal;
3. Liquidity;
4. Marketability of the investment if the need arises to liquidate the investment before maturity;
5. Diversification of the investment portfolio; and
6. Yield.

Gov't Code 2256.005(d)

Investment Officer

Each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity. If the governing body of an investing entity has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the first investing entity for purposes of Government Code Chapter 2256. Authority granted to a person to invest an entity's funds is effective until rescinded by the investing entity, until the expiration of the officer's term or the termination of the person's employment by the investing entity, or if an investment management firm, until the expiration of the contract with the investing entity. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the governing body of the investing entity retains the ultimate responsibility as fiduciaries of the assets of the investing entity. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity. *Gov't Code 2256.005(f)*

Government Code Chapter 2256 does not prohibit an investing entity or investment officer from using the entity's employees or the services of a contractor of the entity to aid the investment officer in the execution of the officer's duties under Government Code Chapter 2256. *Gov't Code 2256.003(c)*

APPROPRIATIONS AND REVENUE SOURCES
INVESTMENTS

CAK
(LEGAL)

Investment Training

Initial Training for
Board Members
and Investment
Officer

Each member of the governing board of a state agency and its investment officer shall attend at least one training session relating to the person's responsibilities under Government Code Chapter 2256 within six months after taking office or assuming duties. The Coordinating Board shall provide the training under Government Code 2256.007. The training must include education in:

1. Investment controls;
2. Security risks;
3. Strategy risks;
4. Market risks;
5. Diversification of investment portfolio; and
6. Compliance with Chapter 2256.

Gov't Code 2256.007(a)–(c)

Biennial Training for
Investment Officer

The investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from any independent source approved by the governing body of the state agency. *Gov't Code 2256.007(d)*

Training for
Investment Officer
and Other College
Officials

The treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

1. Attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least ten hours of instruction relating to the treasurer's or officer's responsibilities under Government Code Chapter 2256, Subchapter A within 12 months after taking office or assuming duties; and
2. Attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than ten hours of instruction relating to investment responsibilities under Chapter 2256, Subchapter A from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

APPROPRIATIONS AND REVENUE SOURCES
INVESTMENTS

CAK
(LEGAL)

The training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with Government Code Chapter 2256.

Gov't Code 2256.008(a), (c)

Standard of Care

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of his or her own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following objectives in order of priority:

1. Preservation and safety of principal;
2. Liquidity; and
3. Yield.

In determining whether an investment officer has exercised prudence with respect to an investment decision, the following shall be taken into consideration:

1. The investment of all funds, or funds under the entity's control over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
2. Whether the investment decision was consistent with the written investment policy of the entity.

Gov't Code 2256.006

Personal Interest

An investment officer of an entity who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined by Government Code Chapter 573, to an individual seeking to sell an investment to the investment officer's entity shall file a statement disclosing that relationship. A required statement must be filed with the Texas Ethics Commission and the governing body of the entity. For purposes of this policy, an investment officer has a personal business relationship with a business organization if:

1. The investment officer owns ten percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;

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2. Funds received by the investment officer from the business organization exceed ten percent of the investment officer's gross income for the previous year; or
3. The investment officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.

Gov't Code 2256.005(i)

Reports

Quarterly Reports

Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding reporting period. This report shall be presented not less than quarterly to the governing body and the chief executive officer of the entity within a reasonable time after the end of the period. The report must:

1. Describe in detail the investment position of the entity on the date of the report;
2. Be prepared jointly by all investment officers of the entity;
3. Be signed by each investment officer of the entity;
4. Contain a summary statement for each pooled fund group (i.e., each internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested) that states the:
 - a. Beginning market value for the reporting period;
 - b. Ending market value for the period; and
 - c. Fully accrued interest for the reporting period;
5. State the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;
6. State the maturity date of each separately invested asset that has a maturity date;
7. State the account or fund or pooled group fund in the state agency or local government for which each individual investment was acquired; and
8. State the compliance of the investment portfolio of the state agency or local government as it relates to the investment

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strategy expressed in the agency's or local government's investment policy and relevant provisions of Government Code Chapter 2256.

If the entity invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officer under Government Code Chapter 2256 shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

Education Code 51.0032; Gov't Code 2256.001, .002 (9), .023

Biennial Report

The investment officer shall prepare a report on Government Code Chapter 2256, Subchapter A and deliver it to the governing body of the state agency no later than the 180th day after the last day of each regular session of the legislature. *Gov't Code 2256.007(d)*

Selection of Broker

The governing body of an entity subject to Government Code Chapter 2256, Subchapter A or a designated investment committee, shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity. *Gov't Code 2256.025*

Authorized Investments

Each governing body of a local government or a state agency may purchase, sell, and invest its funds and funds under its control in investments described below, in compliance with investment policies approved by the governing body and according to the standard of care set out in this policy. The governing body of an investing entity may specify in its investment policy that any investment authorized by Government Code Chapter 2256 is not suitable. Investments may be made directly by the governing body or by a nonprofit corporation acting on behalf of the governing body or an investment pool acting on behalf of two or more local governments, state agencies, or a combination of those entities.

In the exercise of these powers, the governing body of an investing entity may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made for such purpose may not be for a term longer than two years. A renewal or extension of the contract must be made by the governing body of an investing entity by order, ordinance, or resolution.

Gov't Code 2256.003(a)–(b), .005(j)

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Obligations

Except as provided below, the following are authorized investments under the Public Funds Investment Act:

1. Obligations, including letters of credit, of the United States or its agencies and instrumentalities, including the Federal Home Loan Banks;
2. Direct obligations of this state or its agencies and instrumentalities;
3. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
4. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the state of Texas, the United States, or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or by the explicit full faith and credit of the United States;
5. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;
6. Bonds issued, assumed, or guaranteed by the state of Israel;
7. Interest-bearing banking deposits that are guaranteed or insured by:
 - a. The FDIC or its successor; or
 - b. The National Credit Union Share Insurance Fund or its successor; and
8. Interest-bearing banking deposits other than those described by item 7 if:
 - a. The funds invested in the banking deposits are invested through a broker with a main office or branch office in this state that the investing entity selects from a list the governing body or designated investment committee of the entity adopts as required by Government Code 2256.025 or a depository institution with a main office or branch office in this state that the investing entity selects;

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- b. The selected broker or depository institution arranges for the deposit of the funds in the banking deposits in one or more federally insured depository institutions, regardless of where located, for the investing entity's account;
- c. The full amount of the principal and accrued interest of the banking deposits is insured by the United States or an instrumentality of the United States; and
- d. The investing entity appoints as the entity's custodian of the banking deposits issued for the entity's account the selected depository institution, an entity described by Government Code 2257.041(d), or a clearing broker dealer registered with the Securities and Exchange Commission and operating under Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. 240.15c3-3).

Gov't Code 2256.009(a)

The following investments are not authorized:

1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
3. Collateralized mortgage obligations that have a stated final maturity date of greater than ten years.
4. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Gov't Code 2256.009(b)

Certificates of
Deposit and Share
Certificates

A certificate of deposit or share certificate is an authorized investment if the certificate is issued by a depository institution that has its main office or a branch office in Texas and is:

1. Guaranteed or insured by the FDIC or its successor or the National Credit Union Share Insurance Fund or its successor;
2. Secured by obligations described by Government Code 2256.009(a) above, including mortgage-backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the

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certificates, but excluding those mortgage-backed securities of the nature described by Section 2256.009(b); or

3. Secured in accordance with Government Code Chapter 2257 or in any other manner and amount provided by law for the deposits of the investing entity.

In addition to the authority to invest funds in certificates of deposit under the previous section, an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under Government Code 2256.010:

1. The funds are invested by an investing entity through a broker that has its main office or a branch office in this state and is selected from a list adopted by the investing entity as required by Government Code 2256.025, or a depository institution that has its main office or a branch office in this state and that is selected by the investing entity;
2. The broker or depository institution selected by the investing entity arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;
3. The full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and
4. The investing entity appoints the depository institution selected by the investing entity under paragraph a above or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.

Gov't Code 2256.010

The investment policies may provide that bids for certificates of deposit be solicited orally, in writing, electronically, or in any combination of those methods. *Gov't Code 2256.005(c)*

Repurchase
Agreements

A fully collateralized repurchase agreement is an authorized investment under the Public Funds Investment Act if the repurchase agreement:

1. Has a defined termination date;
2. Is secured by a combination of cash and obligations described by Government Code 2256.009(a)(1) or 2256.013 or, if applicable, 2256.0204;

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3. Requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's name, and deposited with the entity or a third party selected and approved by the entity; and
4. Is placed through a primary government securities dealer, as defined by the Federal Reserve or a financial institution doing business in Texas.

Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered. Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

Government Code 1371.059(c) applies to the execution of a repurchase agreement by an investing entity.

A "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by Section 2256.009(a)(1) or 2256.013 or, if applicable, 2256.0204, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

Gov't Code 2256.011

Securities Lending
Program

A securities lending program is an authorized investment if:

1. The value of securities loaned must not be less than 100 percent collateralized, including accrued income, and the loan must allow for termination at any time;
2. The loan must be secured by:
 - a. Pledged securities described by Government Code 2256.009;
 - b. Pledged irrevocable letters of credit issued by a bank that is organized and existing under the laws of the United States or any other state and continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or
 - c. Cash invested in accordance with Government Code 2256.009, 2256.013, 2256.014, or 2256.016;

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3. The terms of the loan require that the securities being held as collateral be pledged to the investing entity, held in the investing entity's name, and deposited at the time the investment is made with the entity or with a third party selected by or approved by the investing entity; and
4. The loan must be placed through a primary government securities dealer, as defined by 5 C.F.R. 6801.102(f), as that regulation existed on September 1, 2003, or a financial institution doing business in this state.

An agreement to lend securities under a securities lending program must have a term of one year or less.

Gov't Code 2256.0115

Banker's
Acceptance

A banker's acceptance is an authorized investment if the banker's acceptance:

1. Has a stated maturity of 270 days or fewer from the date of issuance;
2. Will be, in accordance with its terms, liquidated in full at maturity;
3. Is eligible for collateral for borrowing from a Federal Reserve Bank; and
4. Is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.

Gov't Code 2256.012

Commercial Paper

Commercial paper is an authorized investment if the commercial paper:

1. Has a stated maturity of 365 days or fewer from the date of issuance; and
2. Is rated not less than A1-1 or P-1 or an equivalent rating by at least two nationally recognized credit rating agencies, or by one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

Gov't Code 2256.013

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Mutual Funds

A no-load money market mutual fund is an authorized investment if the mutual fund:

1. Is registered with and regulated by the Securities and Exchange Commission;
2. Provides the investing entity with a prospectus and other information required by the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and
3. Complies with federal Securities and Exchange Commission Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.).

A no-load mutual fund is an authorized investment if the mutual fund:

1. Is registered with the Securities and Exchange Commission;
2. Has an average weighted maturity of less than two years; and
3. Either has a duration of one year or more and is invested exclusively in obligations approved by Government Code Chapter 2256, Subchapter A, regarding authorized investments (Public Funds Investment Act) or has a duration of less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities.

Investments in no-load money market mutual funds shall be limited to the percentages authorized by Government Code 2256.014(c). In addition, the investing entity may not invest any portion of bond proceeds, reserves, and funds held for debt service, in no-load mutual funds.

Gov't Code 2256.014

Guaranteed
Investment
Contracts

A guaranteed investment contract is an authorized investment for bond proceeds if the guaranteed investment contract:

1. Has a defined termination date;
2. Is secured by obligations described by Government Code 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and
3. Is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.

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Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested in a guaranteed investment contract with a term longer than five years from the date of issuance of the bonds.

To be eligible as an authorized investment:

1. The governing body of the entity must specifically authorize guaranteed investment contracts as eligible investments in the order, ordinance, or resolution authorizing the issuance of bonds;
2. The entity must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;
3. The entity must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;
4. The price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and
5. The provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

Government Code 1371.059(c) applies to the execution of a guaranteed investment contract by an investing entity.

Gov't Code 2256.015

Investment Pools

A public funds investment pool is an authorized investment if it meets the requirements of Government Code 2256.016 and 2256.019, including that the governing body of the entity authorizes the investment in the particular pool by rule, order, ordinance, or resolution, as appropriate. *Gov't Code 2256.016, .019*

Hedging
Transactions

A hedging transaction is an authorized investment if an eligible entity meets the requirements of Government Code 2256.0206.

"Eligible entity" means a political subdivision, including a college district, that has:

1. A principal amount of at least \$250 million in outstanding long-term indebtedness, long-term indebtedness proposed to be issued, or a combination of outstanding long-term indebtedness and long-term indebtedness proposed to be issued; and
2. Outstanding long-term indebtedness that is rated in one of the four highest rating categories for long-term debt instruments

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by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation.

Gov't Code 2256.0206

Funds from Mineral
Rights

The governing board of a public junior college district may invest funds received by the district from a lease or contract for the management and development of land owned by the district and leased for oil, gas, or other mineral development in any investment authorized to be made by a trustee under Property Code Title 9, Subtitle B (Texas Trust Code).

Funds invested by the governing board of a public junior college district under this section shall be segregated and accounted for separately from other funds of the district.

Gov't Code 2256.0207

Authorized
Investments
Specific to
Institutions of
Higher Education

In addition to the authorized investments permitted by Government Code Chapter 2256, Subchapter A, an institution of higher education may purchase, sell, and invest its funds and funds under its control in the following:

1. Cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986, 26 U.S.C. Section (f);
2. Negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency; and
3. Corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.

Gov't Code 2256.020

Change in Law

Except as provided by Government Code Chapter 2270, an entity is not required to liquidate investments that were authorized investments at the time of purchase. *Gov't Code 2256.017*

Loss of Required
Rating

An investment that requires a minimum rating under Government Code Chapter 2256, Subchapter A does not qualify as an authorized investment during the period the investment does not have the

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minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating. *Gov't Code 2256.021*

Investment of Bond Proceeds and Pledged Revenue

The investment officer of a local government, including a college district, may invest bond proceeds or pledged revenue only to the extent permitted by Government Code Chapter 2256, in accordance with:

1. Statutory provisions governing the debt issuance or the agreement, as applicable; and
2. The local government's investment policy regarding the debt issuance or the agreement, as applicable.

"Pledged revenue" means money pledged to the payment of or as security for bonds or other indebtedness issued by a local government; obligations under a lease, installment sale, or other agreement of a local government; or certificates of participation in a debt or obligation.

Gov't Code 2256.0208

Investment of Debt Service Funds

A school district, including a junior college district, may enter into a contract with a term not to exceed seven years to purchase investments with the proceeds of taxes levied or to be levied by the district for the purpose of paying debt service on bonds issued by the district.

A contract under this section may provide for the purchase of investments at a stated yield or yields.

Before entering a contract under this section, a school district must solicit and receive bids from at least three separate providers. The district must accept the qualifying bid that provides for the highest yield investments over the term of the contract.

A contract under this section may provide only for the purchase of an obligation described by Government Code 2256.009(a)(1), other than an obligation described by Government Code 2256.009(b).

Education Code 45.112

General Deposits

The governing board of each institution of higher education may invest the funds received as general deposits authorized by Education Code 54.502 in the manner provided under either Education Code 51.003 or 51.0031. *Education Code 54.5022*

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**Sellers of
Investments**

A written copy of the investment policy shall be presented to any business organization offering to engage in an investment transaction with an investing entity. For purposes of this section, "business organization" means an investment pool or an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio that has accepted authority granted by the entity under the contract to exercise investment discretion in regard to the investing entity's funds. The qualified representative of the business organization offering to engage in an investment transaction with an investing entity shall execute a written instrument in a form acceptable to the investing entity and the business organization substantially to the effect that the business organization has:

1. Received and reviewed the investment policy of the entity; and
2. Acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio, requires an interpretation of subjective investment standards, or relates to investment transactions of the entity that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority.

The investment officer of an entity may not acquire or otherwise obtain any authorized investment described in the investment policy of the investing entity from a business organization that has not delivered to the entity the instrument described above.

Gov't Code 2256.005(k)-(l)

Donations

Government Code Chapter 2256, Subchapter A does not apply to an investment donated to an investing entity for a particular purpose or under terms of use specified by the donor. *Gov't Code 2256.004(b)*

**Electronic Funds
Transfer**

Any local government, including a college district, may use electronic means to transfer or invest all funds collected or controlled by the local government. *Gov't Code 2256.051*

Private Auditor

Notwithstanding any other law, a state agency, including a college district, shall employ a private auditor if authorized by the legislative audit committee either on the committee's initiative or on request of the governing body of the agency. *Gov't Code 2256.052*

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Investment Authority The College President or other person designated by Board resolution shall serve as the investment officer of the College District and shall invest College District funds as directed by the Board and in accordance with the College District's written investment policy and generally accepted accounting procedures. All investment transactions except investment pool funds and mutual funds shall be settled on a delivery versus payment basis.

Approved Investment Instruments From those investments authorized by law and described further in CAK(LEGAL) under Authorized Investments, the Board shall permit investment of College District funds, including bond proceeds and pledged revenue to the extent allowed by law, in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of, or guaranteed by, governmental entities as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. A securities lending program as permitted by Government Code 2256.0115.
5. Banker's acceptances as permitted by Government Code 2256.012.
6. Commercial paper as permitted by Government Code 2256.013.
7. No-load mutual funds, except for bond proceeds, and no-load money market mutual funds as permitted by Government Code 2256.014.
8. A guaranteed investment contract as an investment vehicle for bond proceeds, provided it meets the criteria and eligibility requirements established by Government Code 2256.015.
9. Public funds investment pools as permitted by Government Code 2256.016.
10. Cash management and fixed income funds as permitted by Government Code 2256.020.
11. Negotiable certificates of deposit as permitted by Government Code 2256.020.
12. Corporate bonds, debentures, or similar debt obligations as permitted by Government Code 2256.020.

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Safety	<p>The primary goal of the investment program is to ensure safety of principal, to maintain liquidity, and to maximize financial returns within current market conditions in accordance with this policy. Investments shall be made in a manner that ensures the preservation of capital in the overall portfolio, and offsets during a 12-month period any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.</p>
Investment Management	<p>In accordance with Government Code 2256.005(b)(3), the quality and capability of investment management for College District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.</p>
Liquidity and Maturity	<p>Any internally created pool fund group of the College District shall have a maximum dollar weighted maturity of 180 days. The maximum allowable stated maturity of any other individual investment owned by the College District shall not exceed one year from the time of purchase. The Board may specifically authorize a longer maturity for a given investment, within legal limits.</p> <p>The College District's investment portfolio shall have sufficient liquidity to meet anticipated cash flow requirements.</p>
Diversity	<p>The investment portfolio shall be diversified in terms of investment instruments, maturity scheduling, and financial institutions to reduce risk of loss resulting from overconcentration of assets in a specific class of investments, specific maturity, or specific issuer.</p>
Monitoring Market Prices	<p>The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant changes in the market value of the College District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisers, and representatives/advisers of investment pools or money market funds. Monitoring shall be done at least quarterly, as required by law, and more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.</p>
Monitoring Rating Changes	<p>In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.</p>

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Funds / Strategies	Investments of the following fund categories shall be consistent with this policy and in accordance with the applicable strategy defined below. All strategies described below for the investment of a particular fund should be based on an understanding of the suitability of an investment to the financial requirements of the College District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.
Operating Funds	Investment strategies for operating funds (including any commingled pools containing operating funds) shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
Custodial Funds	Investment strategies for custodial funds shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
Debt Service Funds	Investment strategies for debt service funds shall have as their primary objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond documents. Maturities longer than one year are authorized provided legal limits are not exceeded.
Capital Project Funds	Investment strategies for capital project funds shall have as their primary objective sufficient investment liquidity to timely meet capital project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.
Safekeeping and Custody	The College District shall retain clearly marked receipts providing proof of the College District's ownership. The College District may delegate, however, to an investment pool the authority to hold legal title as custodian of investments purchased with College District funds by the investment pool.
Sellers of Investments	<p>Prior to handling investments on behalf of the College District, a broker/dealer or a qualified representative of a business organization must submit required written documents in accordance with law.</p> <p>Representatives of brokers/dealers shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC), and be in good standing with the Financial Industry Regulatory Authority (FINRA).</p>
Soliciting Bids for CDs	In order to get the best return on its investments, the College District may solicit bids for certificates of deposit in writing, by telephone, or electronically, or by a combination of these methods.

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Interest Rate Risk

To reduce exposure to changes in interest rates that could adversely affect the value of investments, the College District shall use final and weighted-average-maturity limits and diversification.

The College District shall monitor interest rate risk using weighted average maturity and specific identification.

Internal Controls

A system of internal controls shall be established and documented in writing and must include specific procedures designating who has authority to withdraw funds. Also, they shall be designed to protect against losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the College District. Controls deemed most important shall include:

1. Separation of transaction authority from accounting and recordkeeping and electronic transfer of funds.
2. Avoidance of collusion.
3. Custodial safekeeping.
4. Clear delegation of authority.
5. Written confirmation of telephone transactions.
6. Documentation of dealer questionnaires, quotations and bids, evaluations, transactions, and rationale.
7. Avoidance of bearer-form securities.

These controls shall be reviewed by the College District's independent auditing firm.

Annual Review

The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.

Annual Audit

In conjunction with the annual financial audit, the College District shall perform a compliance audit of management controls on investments and adherence to the College District's established investment policies.

October 2024

Monthly Financial Report

Cash Situation

(in millions)

Gross cash balance at the end of month:	\$21.4
Less pending I&S liability:	(\$0)
Net unrestricted cash:	<hr/> \$21.4
Minimum required cash :	\$8.2
Excess cash above minimum:	\$13.2

Unaudited Operations

Year to Date *(in millions)*

Revenues

Budget: \$45.0

Actual: \$7.9

(18% earned at 17% of year)

Expense

Budget: \$45.0

Actual: \$7.4

(16% Spent at 17% of year)



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: November 25, 2024
Subject: Monthly Investment & Financial Reports

AGENDA ITEM DESCRIPTION:

Consideration of and possible acceptance of the October 2024 Investment and Financial Reports.

PURPOSE

To report to the Board of Trustees the year-to-date revenues and expenses for the college, comparison of revenues and expenses to budget, and the college's current cash balance.

FUNDING SOURCE:

N/A

PROPOSED MOTION:

Suggested motion: "I move the Board of Trustees accept the October 2024 Investment Report and the October 2024 Financial Reports."

BACKGROUND

The investment officer shall prepare and submit to the Board a written report of investment transactions for all funds covered by the PFIA under Education Code 51.0032 and Government Code 2256.023.

In accordance with COM policy CDA (LOCAL) – Periodic financial reports shall be submitted to the Board outlining the progress of the budget to that date and reporting on the status of all District funds and District accounts.

ATTACHMENTS

1. October 2024 Investment Discussion & Report
2. October 2024 Revenue & Expense Summary
3. October 2024 Expense by Division Report



INVESTMENT REPORT
For the Month Ended October 2024

Investment discussion:

College of the Mainland earned \$159,368 for the month of October on its short-term investments in TexPool & Logic for a total of \$328,994 investment interest earned fiscal year to date. The College earned an additional \$1 fiscal year to date, from interest-bearing checking accounts. In total, the College earned \$328,995 interest for the fiscal year to date period ending October TexPool - \$185,682, Logic - \$143,312 and TFB - \$1.

Investments in the TexPool & Logic investment pools remain more profitable than the fixed rate certificate of deposits purchased at our depository bank. In addition, the investment pool provides more efficient liquidity than certificates of deposit, which are restricted to specific term lengths. Therefore, all investment funds remain in TexPool, Logic and interest earning checking accounts.

Investment Compliance Statement:

We provide reasonable assurance that the attached listing constitutes all investments currently owned by the College of the Mainland District as of the date indicated and that all these investments and investing procedures conform to the "Public Funds Investment Act" as amended by House Bill 2459 of the 74th Texas Legislature.

Furthermore, these same investments are in compliance with College of the Mainland's investment policy and strategy as adopted by the College of the Mainland's Board of Trustees.

A handwritten signature in blue ink, appearing to read 'D. Wesse', positioned above a horizontal line.

David Wesse
Vice President of Fiscal Affairs
College of the Mainland

A handwritten signature in blue ink, appearing to read 'Trudy Trochesset', positioned above a horizontal line.

Trudy Trochesset
Controller
College of the Mainland



TexPool Investments for October 2024

Investment	COM Fund	Balance Beginning of Month	Increases	Decreases	Interest Earned	Balance End of Month	Average Balance	Annualized Average Interest Rate
Operating	11	\$ 22,093,200	\$ 3,000,000	\$ 3,800,000	92,131	21,385,332	2,218,043	49.845%
Moody	41	29,562	-	-	123	29,685	29,566	5.006%
Totals		\$ 22,122,762	\$ 3,000,000	\$ 3,800,000	\$ 92,255	\$ 21,415,017	\$ 2,247,609	

Note: For the above listed investments in TexPool, book value is equivalent to market value.
There was no accrued interest as of October 2024

Logic (Hilltop Securities) Investments for October 2024

Investment	COM Fund	Balance Beginning of Month	Increases	Decreases	Interest Earned	Balance End of Month	Average Balance	Annualized Average Interest Rate
COM Bond 2020	45	\$ 1,949,213	\$ -	\$ 861	8,261	1,956,614	1,949,019	4.990%
COM Pre Bond 2023	46	\$ 15,058,278	\$ -	\$ 2,002,710	58,852	13,114,420	13,881,752	4.990%
Totals		\$ 17,007,491	\$ -	\$ 2,003,571	\$ 67,113	\$ 15,071,033	\$ 15,830,771	
Totals		\$ 39,130,253	\$ 3,000,000	\$ 5,803,571	\$ 159,368	\$ 36,486,050	\$ 18,078,380	



October 2024 - Revenue and Expense Summary

Unrestricted Fund (Unaudited)

Summary of Revenue

	<u>Current Actual</u>	<u>2024-25 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Operating revenue						
Tuition-credit	(3,398,586)	(6,212,056)	(2,813,470)	55%	(2,654,387)	(744,198)
Tuition-non-credit	(265,327)	(455,044)	(189,717)	58%	(207,094)	(58,233)
Exemptions and waivers	93,593	1,454,802	1,361,209	6%	711,939	(618,346)
Registration fees	(69,791)	(2,308,635)	(2,238,844)	3%	(1,182,030)	1,112,239
Other fees	127,960	(197,847)	(325,806)	-65%	(63,027)	190,986
Grant revenue	(12,483)	(145,552)	(133,069)	9%	(7,451)	(5,033)
Sales and service revenue	(7,854)	(55,066)	(47,212)	14%	(4,844)	(3,010)
Miscellaneous revenue	(171,240)	(528,567)	(357,327)	32%	(113,215)	(58,025)
TPEG transfer in/out	0	0	0	0%	0	0
<u>Totals for Operating revenue</u>	<u>(3,703,729)</u>	<u>(8,447,965)</u>	<u>(4,744,236)</u>	<u>44%</u>	<u>(3,520,108)</u>	<u>(183,620)</u>
Non-operating revenue						
State appropriation-Academic	(3,680,619)	(7,738,496)	(4,057,877)	48%	(3,869,248)	188,629
Property tax revenue	(312,087)	(26,525,693)	(26,213,606)	1%	(116,397)	(195,689)
Interest revenue	(185,435)	(1,404,824)	(1,219,390)	13%	(122,725)	(62,710)
FTZ reimbursement	0	(883,022)	(883,022)	0%	0	0
Renew & replace transfer out	0	0	0	0%	0	0
<u>Totals for Non-operating revenue</u>	<u>(4,178,140)</u>	<u>(36,552,035)</u>	<u>(32,373,895)</u>	<u>11%</u>	<u>(4,108,370)</u>	<u>(69,771)</u>
<u>Total Revenue</u>	<u>(7,881,869)</u>	<u>(45,000,000)</u>	<u>(37,118,131)</u>	<u>18%</u>	<u>(7,628,478)</u>	<u>(253,391)</u>



October 2024 - Revenue and Expense Summary

Unrestricted Fund (Unaudited)

Summary of Expense

	<u>Current Actual</u>	<u>2024-25 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Salary and wages						
Faculty full-time	1,313,921	8,558,126	7,244,206	15%	1,291,048	22,873
Admin full-time	337,518	2,123,029	1,785,511	16%	295,299	42,219
Professional full-time	1,388,058	9,153,285	7,765,228	15%	1,351,854	36,204
Classified full-time	728,439	4,353,439	3,625,000	17%	674,357	54,082
Part-time	361,362	3,670,557	3,309,195	10%	328,992	32,370
Salary increase	0	1,176,795	1,176,795	0%	0	0
Vacancy savings	0	(1,808,239)	(1,808,239)	0%	0	0
<u>Totals for Salary and wages</u>	<u>4,129,298</u>	<u>27,226,994</u>	<u>23,097,696</u>	<u>15%</u>	<u>3,941,550</u>	<u>187,748</u>
Benefits						
Benefits	816,301	4,467,658	3,651,357	18%	881,218	(64,917)
<u>Totals for Benefits</u>	<u>816,301</u>	<u>4,467,658</u>	<u>3,651,357</u>	<u>18%</u>	<u>881,218</u>	<u>(64,917)</u>
Operating expenses						
Contract services	1,280,772	4,427,715	3,146,942	29%	1,059,857	220,915
Legal	0	4,050	4,050	0%	0	0
Operations	50,969	968,047	917,078	5%	43,447	7,522
Utilities and Rent	559,903	2,888,390	2,328,487	19%	335,459	224,444
Postage, printing, and supplies	245,649	1,453,941	1,208,292	17%	176,415	69,235
Bank fees	20,442	90,100	69,658	23%	68,473	(48,031)
Capital outlay & leases	5,767	125,643	119,876	5%	7,707	(1,940)
Insurance	24,765	2,850,837	2,826,072	1%	18,466	6,299
Public rel, marketing and advert	47,037	263,481	216,445	18%	28,951	18,086
Misc.	223,137	542,794	319,657	41%	185,643	37,494
Reimbursement from Others	0	(309,649)	(309,649)	0%	0	0
<u>Totals for Operating expenses</u>	<u>2,458,442</u>	<u>13,305,349</u>	<u>10,846,907</u>	<u>18%</u>	<u>1,924,418</u>	<u>534,024</u>



October 2024 - Revenue and Expense Summary

Unrestricted Fund (Unaudited)

<u>Total Expense</u>	<u>7,404,040</u>	<u>45,000,000</u>	<u>37,595,960</u>	<u>16%</u>	<u>6,747,185</u>	<u>656,855</u>
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October 2024 - Revenue and Expense Summary

Unrestricted Fund (Unaudited)

Summary of Fund Bal

	<u>Current Actual</u>	<u>2024-25 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Operating expenses						
Contract services	347,834	0	(347,834)	0%	510,968	(163,135)
Utilities and Rent	0	0	0	0%	1,150	(1,150)
Postage, printing, and supplies	4,307	0	(4,307)	0%	37,339	(33,033)
Capital outlay & leases	121,100	0	(121,100)	0%	0	121,100
Public rel, marketing and advert	30,287	0	(30,287)	0%	0	30,287
Misc.	250	0	(250)	0%	3,675	(3,425)
<u>Totals for Operating expenses</u>	<u>503,777</u>	<u>0</u>	<u>(503,777)</u>	<u>0%</u>	<u>553,133</u>	<u>(49,356)</u>
<u>Total Fund Bal</u>	<u>503,777</u>	<u>0</u>	<u>(503,777)</u>	<u>0%</u>	<u>553,133</u>	<u>(49,356)</u>



October 2024 - Expense by Division Report

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2024-25 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
<u>Expense by Division</u>						
<u>Summary for President</u>						
Board of Trustees	2,250	19,700	17,450	11%	0	2,250
Campus Police	139,162	815,955	676,793	17%	128,188	10,974
EVP-Academic & Student	66,260	909,273	843,013	7%	0	66,260
Gen Institution	96,939	402,034	305,095	24%	141,293	(44,354)
Human Resources	26	0	(26)	0%	0	26
Information Technology Serv	920,600	2,439,440	1,518,839	38%	935,308	(14,708)
Internal Audit	0	150,000	150,000	0%	7,473	(7,473)
OPEAR	97,409	479,721	382,312	20%	43,863	53,547
Presidents Office	107,247	639,437	532,190	17%	134,648	(27,401)
Self Study SACS	10,581	12,137	1,556	87%	0	10,581
Staff Attorney	68,064	318,018	249,954	21%	54,169	13,895
<u>Totals for President</u>	<u>1,508,538</u>	<u>6,185,715</u>	<u>4,677,177</u>	<u>24%</u>	<u>1,444,941</u>	<u>63,597</u>
<u>Summary for VP Fiscal Affairs</u>						
Central Mail	23,239	125,715	102,476	18%	21,527	1,712
Custodial Services	279,948	1,486,808	1,206,860	19%	135,116	144,831
Facilities	531,264	5,326,933	4,795,669	10%	378,649	152,615
Financial Services	131,893	758,123	626,230	17%	167,080	(35,187)
Grounds	75,300	526,353	451,053	14%	37,352	37,948
Human Resources	136,612	777,992	641,379	18%	116,276	20,337
Purchasing	61,014	322,516	261,503	19%	60,424	589
Records Mgmt	2,077	20,952	18,875	10%	1,918	159
Reimbursement	0	(309,649)	(309,649)	0%	0	0
Salary Savings	0	(1,808,239)	(1,808,239)	0%	0	0
Staff Benefits	215,004	5,043,127	4,828,123	4%	211,456	3,548



October 2024 - Expense by Division Report

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2024-25 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Tax Admin	0	440,000	440,000	0%	0	0
Utilities	203,714	1,180,000	976,286	17%	113,710	90,004
Vehicle Operations	17,934	106,790	88,856	17%	19,855	(1,921)
VP College & Fin Svcs	49,614	273,046	223,432	18%	38,547	11,067
<u>Totals for VP Fiscal Affairs</u>	<u>1,727,613</u>	<u>14,270,466</u>	<u>12,542,853</u>	<u>12%</u>	<u>1,301,912</u>	<u>425,701</u>
<u>Summary for VP Institutional Advancement</u>						
COM Foundation Dept	10,860	106,728	95,867	10%	13,514	(2,654)
Marketing and Communications	209,481	1,081,235	871,754	19%	144,620	64,861
VP Institutional Advancement	97,318	575,505	478,187	17%	122,611	(25,293)
<u>Totals for VP Institutional Advancement</u>	<u>317,659</u>	<u>1,763,468</u>	<u>1,445,809</u>	<u>18%</u>	<u>280,745</u>	<u>36,914</u>
<u>Summary for VP Instruction</u>						
Acad Succ Re/Wr	157,670	850,632	692,962	19%	157,154	516
Academic Planning	0	113,573	113,573	0%	31,965	(31,965)
Accting-Credit	15,882	63,504	47,622	25%	16,255	(373)
Adm-C.I.D.T.	14,302	68,519	54,218	21%	13,453	849
Adm-Cont Ed	60,086	406,631	346,545	15%	88,098	(28,012)
Adm-Ind Tech	0	8,000	8,000	0%	1,419	(1,419)
Adm-Instruct	10,510	50,586	40,076	21%	802	9,708
Adm-Math	10,871	1,868	(9,003)	582%	0	10,871
Adm-Perf & Vis Arts	13,231	57,972	44,741	23%	11,163	2,068
Adm-Pub Svc Ed	24,906	114,216	89,310	22%	21,038	3,868
Adm-Science	11,894	70,577	58,683	17%	13,711	(1,817)
Adm-Soc Sci	14,326	70,360	56,034	20%	12,547	1,779
Adult Education	36,086	153,152	117,066	24%	36,475	(389)
Allied Health Admin	1,439	9,174	7,735	16%	4,331	(2,892)
Allied Health CE	37,198	178,357	141,159	21%	6,714	30,483
Art	50,070	236,041	185,971	21%	46,437	3,633



October 2024 - Expense by Division Report

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2024-25 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Art Gallery	3,564	6,007	2,443	59%	30	3,534
Biol & Nutrition	159,138	756,917	597,779	21%	141,639	17,499
C.I.S.	19,424	68,135	48,711	29%	16,871	2,552
CE-CAN Program	992	11,120	10,128	9%	1,407	(416)
CE-Dental	0	5,756	5,756	0%	0	0
Chemistry	35,002	146,609	111,607	24%	34,029	973
Child Develop	13,692	85,333	71,641	16%	20,609	(6,917)
Cmnty Theater	61,937	344,771	282,834	18%	60,937	1,000
Collegiate H.S.-CR	31,002	155,816	124,814	20%	29,642	1,360
Cosmetology	129,640	510,396	380,756	25%	120,365	9,275
Criminal Justice	301,646	1,567,900	1,266,255	19%	14,046	287,599
Culinary Arts	27,892	126,751	98,859	22%	14,027	13,866
Dean Cont Ed	37,148	196,718	159,570	19%	36,589	559
Dean Gen Ed	51,223	205,571	154,347	25%	38,393	12,830
Dean of Instruction-Workforce	26,343	206,693	180,350	13%	0	26,343
Dental Hygiene	43,819	390,255	346,436	11%	14,873	28,946
Distance Ed	99,991	398,426	298,435	25%	98,650	1,341
Drafting	0	0	0	0%	894	(894)
Dual Credit Dept	32,214	162,688	130,475	20%	30,049	2,165
Economics	14,043	73,524	59,481	19%	14,360	(317)
EMS-Credit	48,261	192,346	144,086	25%	46,973	1,287
Engineering	4,582	58,439	53,857	8%	3,512	1,070
Fire Tech	67,055	177,214	110,159	38%	50,531	16,525
Firearms Acad	3,180	40,150	36,970	8%	5,712	(2,532)
Foreign Lang	13,137	67,650	54,513	19%	12,802	335
Gen Bus-Credit	51,223	215,078	163,855	24%	43,878	7,345
Geology	14,956	80,261	65,304	19%	17,342	(2,385)
Government	65,221	294,622	229,401	22%	63,774	1,447



October 2024 - Expense by Division Report

Unrestricted Fund (Unaudited)

	<u>Current</u> <u>Actual</u>	<u>2024-25</u> <u>Budget</u>	<u>Budget</u> <u>Remaining</u>	<u>Budget</u> <u>Pct.YTD</u>	<u>Prior Year to</u> <u>Actual</u>	<u>Curr. vs Prior</u> <u>Year to Year</u>
Graphic Arts	28,181	72,977	44,795	39%	21,377	6,805
Health and PE Credit	26,718	130,827	104,109	20%	27,161	(443)
Health Info Mgmt	29,944	212,521	182,577	14%	40,621	(10,677)
Hist & Geog	46,333	294,469	248,136	16%	60,100	(13,768)
Humanities	25,686	136,238	110,553	19%	38,331	(12,645)
Instr Tech Department	48,452	247,651	199,198	20%	41,214	7,238
Instr Tech Lab Mgrs	0	0	0	0%	3,849	(3,849)
Law Enforcement	26,311	102,923	76,613	26%	19,026	7,284
Law Enforcemnt-NonCR	10,124	39,078	28,954	26%	11,444	(1,320)
LC Ctr Admin	17,849	105,561	87,712	17%	160	17,689
Library	199,393	741,204	541,810	27%	198,521	872
Massage Therapy	0	5,240	5,240	0%	200	(200)
Math	153,704	802,537	648,833	19%	144,922	8,783
Medical Assistant	19,022	94,249	75,227	20%	17,093	1,929
Music	24,526	252,646	228,120	10%	37,811	(13,285)
Networking	6,000	54,637	48,637	11%	16,873	(10,873)
Nursing Administration	75,602	545,974	470,372	14%	348,717	(273,115)
Nursing-AD	0	0	0	0%	132	(132)
Pharmacy Tech	17,587	85,485	67,898	21%	16,570	1,017
Philosophy	8,285	25,638	17,353	32%	8,772	(487)
Physics	17,063	78,101	61,037	22%	17,438	(375)
Process Tech	79,092	592,068	512,976	13%	83,930	(4,838)
Prof Develop Acad	0	0	0	0%	0	0
Program Development	50	0	(50)	0%	18,969	(18,919)
Psychology	62,587	317,702	255,115	20%	65,174	(2,587)
QEP	0	0	0	0%	1,282	(1,282)
Radiography	42,195	188,366	146,170	22%	21,055	21,140
Safety-CR	15,566	100,387	84,821	16%	14,144	1,421



October 2024 - Expense by Division Report

Unrestricted Fund (Unaudited)

	<u>Current</u> <u>Actual</u>	<u>2024-25</u> <u>Budget</u>	<u>Budget</u> <u>Remaining</u>	<u>Budget</u> <u>Pct.YTD</u>	<u>Prior Year to</u> <u>Actual</u>	<u>Curr. vs Prior</u> <u>Year to Year</u>
Senior Adult Dept	40,417	169,163	128,745	24%	42,973	(2,555)
Social Science Non CR	5,754	25,507	19,753	23%	6,301	(547)
Sociology	14,803	67,952	53,149	22%	13,304	1,499
Speaking,Reading,Writing	103,212	568,155	464,943	18%	77,908	25,304
Theater Arts-Credit	23,730	121,810	98,080	19%	23,708	22
Thermal Tech-NonCR	13,684	5,305	(8,379)	258%	11,364	2,320
VP Instruction	53,871	2,844,845	2,790,974	2%	62,624	(8,754)
Welding-Cred	73,916	377,494	303,578	20%	96,975	(23,059)
<u>Totals for VP Instruction</u>	<u>3,124,451</u>	<u>18,405,018</u>	<u>15,280,567</u>	<u>17%</u>	<u>3,003,536</u>	<u>120,915</u>
<u>Summary for VP Student Services</u>						
Admissions	69,751	386,986	317,235	18%	71,265	(1,514)
Advise Center	116,711	689,848	573,138	17%	105,338	11,373
Career & Placement	17,994	117,263	99,269	15%	18,156	(162)
Dean of Student Services	48,820	267,450	218,629	18%	0	48,820
Enrollment Mgmt	6,130	40,583	34,454	15%	6,293	(163)
Facilities & Student Recreat	13,035	178,465	165,430	7%	12,852	183
Judicial Affairs	35,366	290,745	255,380	12%	35,958	(592)
Multicultural Department	10,092	32,500	22,408	31%	3,932	6,161
Recruitment	112,071	718,905	606,833	16%	129,871	(17,799)
Stu Financial Svcs	106,904	579,412	472,508	18%	98,924	7,980
Stu Organizations	47,813	267,978	220,166	18%	56,554	(8,741)
Student Graduation	9,679	87,700	78,021	11%	5,788	3,891
Svcs-Disab Students	8,508	42,771	34,263	20%	8,383	125
Testing	58,291	317,715	259,425	18%	50,794	7,497
Veteran Affairs	36,188	175,334	139,146	21%	34,931	1,257
VP Student Services	28,426	181,676	153,250	16%	77,014	(48,588)
<u>Totals for VP Student Services</u>	<u>725,778</u>	<u>4,375,332</u>	<u>3,649,554</u>	<u>17%</u>	<u>716,051</u>	<u>9,727</u>



October 2024 - Expense by Division Report

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2024-25 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
<u>Totals for Expense</u>	<u>7,404,040</u>	<u>45,000,000</u>	<u>37,595,960</u>	<u>16%</u>	<u>6,747,185</u>	<u>656,855</u>
<u>Fund Bal by Division</u>						
<u>Summary for VP Fiscal Affairs</u>						
Fund Balance - Institutional Support	188,771	0	(188,771)	0%	263,516	(74,745)
Fund Balance - Instruction	83,224	0	(83,224)	0%	99,149	(15,925)
Fund Balance - Oper & Maint	110,221	0	(110,221)	0%	0	110,221
Fund Balance - Oper & Maint	0	0	0	0%	77,613	(77,613)
Fund Balance - Student Services	121,562	0	(121,562)	0%	112,856	8,706
<u>Totals for VP Fiscal Affairs</u>	<u>503,777</u>	<u>0</u>	<u>(503,777)</u>	<u>0%</u>	<u>553,133</u>	<u>(49,356)</u>
<u>Totals for Fund Bal</u>	<u>503,777</u>	<u>0</u>	<u>(503,777)</u>	<u>0%</u>	<u>553,133</u>	<u>(49,356)</u>
<u>Totals for Report</u>	<u>7,907,818</u>	<u>45,000,000</u>	<u>37,092,182</u>		<u>7,300,318</u>	<u>607,499</u>



PRESIDENT'S OFFICE

Consideration of and Possible Action to Schedule the March 2025 Board of Trustees Meeting on Monday, March 31, 2025.



PRESIDENT'S OFFICE

Board Report

Presenter: Board Chair

A. Miscellaneous Updates



PRESIDENT'S OFFICE

President's Report

Presenter: Dr. Warren Nichols

A. Updates

B. Reminders/Announcements

1. Board Meetings

a. January 2025 – Monday, January 27th

b. February 2025 – Monday, February 24th

c. March 2025 – Monday, March 31st (if approved)

2. Martin Luther King Celebration, Tuesday, January 21, 2025,
12:30 p.m., COM Conference Center

C. Resignations and Retirement Report

D. Miscellaneous Updates



PRESIDENT'S OFFICE

Resignations & Retirements

Last Name	First Name	Position	Hire Date	Last Date of Work	Termination Reason
Garcia	Anita	Foundation Research, Data & Technology Officer	05/01/2019	11/08/2024	Resignation
Moore	Karl	Faculty / EMS Clinical Coordinator	09/18/2023	12/11/2024	Resignation



PRESIDENT'S OFFICE

Executive Session

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive meeting or session of the Board should be held or is required in relation to any items included in this Notice, then such closed or executive meeting or session as authorized by Section 551.001 et seq. of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this Notice or as soon after the commencement of the meeting covered by the Notice as the Board may conveniently meet in such closed or executive meeting or session concerning any and all subjects and for any and all purposes permitted by Sections 551.071, inclusive, of the Open Meetings Act, including, but not limited to:

Section 551.071 – For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.

Section 551.072 – For the purpose of discussing the purchase, exchange, lease or value of real property.

Section 551.073 – For the purpose of considering a negotiated contract for a prospective gift or donation.

Section 551.074 – For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.

Section 551.076 – To consider the deployment, or specific occasions for implementation, of security personnel or devices.

Section 551.082 – For the purpose of considering discipline of a student or to hear a complaint by an employee against another employee if the complaint or charge directly results in a need for a hearing.

Section 551.084 – For the purpose of excluding a witness or witnesses from a hearing during examination of another witness.

Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in such closed or executive meeting or session, then such final action, final decision, or final vote shall be at either:

- A. The open meeting covered by this Notice upon the reconvening of the public meeting, or
- B. At a subsequent public meeting of the Board upon notice thereof, as the Board shall determine.



PRESIDENT'S OFFICE

Discussion of the President's Annual Evaluation



PRESIDENT'S OFFICE

Possible Action on Agenda Items, Including Closed Session Matters

Consideration of and Possible Action on any items discussed in closed session.