

Board of Directors  
Des Moines Area Community College

Public Hearing  
April 8, 2019 – 4:00 p.m.

DMACC West Campus, Room 118-119E  
5959 Grand Avenue  
West Des Moines, Iowa

## Agenda

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| 1. Call to order.  |                      |
| 2. Roll call.  |                      |
| 3. Consideration of tentative agenda.                            |                      |
| 4. Acknowledgment of public hearing.                             |                      |
| 5. Public comments.  |                      |
| 6. <u>Board Report 19-021</u> . Boone Campus Window Replacement. | 1                    |
| 7. Adjourn.  |                      |

Board of Directors  
Des Moines Area Community College

Regular Meeting

April 8, 2019 – Immediately following Public Hearing

DMACC West Campus, Room 118-119E  
5959 Grand Avenue  
West Des Moines, Iowa

Agenda

	<u><b>Page #</b></u>
1. Call to order – Immediately following Public Hearing.	
2. Roll call.	
3. Consideration of tentative agenda.	
4. Public comments.	
5. <u>Presentations:</u> Anthony Paustian; Provost, West Campus  BJ McGinn; Athletic Director  MJ Dolan; IACCT Executive Director	
6. <u>Consent Items.</u>	
a. Consideration of minutes from March 11, 2019 Work Session, Public Hearing and Regular Board Meeting.	2-8
b. Human Resources report.	9
c. Consideration of payables.	PDF File
7. <u>Board Report 19-022.</u> Receive and file President’s recommendations for termination or reduction of continuing contracts under Iowa Code Chapter 279.	10
8. <u>Board Report 19-023.</u> A resolution approving the form and content and execution and delivery of a Workforce Training and Economic Development Training Contract under <b>Chapter 260C</b> , Code of Iowa, for <b>3M Abrasive Systems Division, Ames, IA Project #5.</b>	11

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| 9.  | <u>Board Report 19-024</u> . A resolution approving the form and content and execution and delivery of a Workforce Training and Economic Development Training Contract under <b>Chapter 260C</b> , Code of Iowa, for <b>Family Resource Center, Project #2</b> .  | 12    |
| 10. | <u>Board Report 19-025</u> . A resolution approving the form and content and execution and delivery of a Workforce Training and Economic Development Training Contract under <b>Chapter 260C</b> , Code of Iowa, for <b>Scranton Manufacturing, Project #2</b> .  | 13    |
| 11. | <u>Board Report 19-026</u> . Approval of Proposed Board Policy 2026: Freedom of Speech.   | 14-16 |
| 12. | <u>Board Report 19-027</u> . Public Restrooms at Legacy Plaza   | 17    |
| 13. | <u>Board Report 19-028</u> . A resolution authorizing the Early Calling of the Build America Bond Issue.  | 18    |
| 14. | <u>Board Report 19-029</u> . A resolution declaring the official intent of Des Moines Area Community College to reimburse itself for certain capital expenditures from the proceeds of the College's Plant Fund Capital Loan Notes.   | 19-20 |
| 15. | Presentation of financial report.   |       |
| 16. | President's report.   |       |
| 17. | Campus updates.   |       |
| 18. | Committee reports.  |       |
| 19. | Board members' reports.   |       |
| 20. | Information items: <ul style="list-style-type: none"> <li>➤ May 1 – Commencement for Ankeny, Newton, Urban and West campuses; Wells Fargo Arena; 7:00 p.m.</li> <li>➤ May 3 – Boone Commencement; 10:00 a.m.</li> <li>➤ May 6 - Board Meeting; Carroll; 4:00 p.m.</li> <li>➤ May 6 – Carroll Commencement; Carroll Senior High School; 6:30 p.m.</li> <li>➤ May 27 – Memorial Day Holiday – All campuses closed.</li> <li>➤ July 24-26 – IACCT Conference hosted by Iowa Western Community College</li> </ul> |       |
| 21. | Adjourn.  |       |

Strategy Session: The Board will hold a strategy meeting and pursuant to 20.17(3) this portion of the meeting is considered "exempt" under the provisions of Chapter 21.

**AGENDA ITEM** Boone Campus Window Replacement

**BACKGROUND**

At the March 11, 2019 Board meeting, the Board adopted the proposed Plans and Specifications for the Boone Campus Window Replacement project. The Board set the receipt of bids for April 4, 2019 at 2:00 p.m. and a public hearing for April 8, 2019 at 4:00 p.m.

The architect, DLR, will tabulate and analyze the bids received on April 4, 2019 and at the April 8, 2019 Board meeting will present a recommendation for award of contract.

**RECOMMENDATION**

It is recommended that the Board:

- A. **Public Hearing** – At the conclusion of the Public Hearing and after consideration of the information presented, move to adopt the Resolution Approving Plans and Specifications, Form of Contract and Estimated Costs for the Boone Campus Window Replacement.
- B. **Consideration of Award of Contract.** Move to recommend the Award of Contract after review of the bid tabulation and architect's recommendation.

Robert J. Denson, President

Board of Directors  
Des Moines Area Community College

BOARD WORK SESSION March 11, 2019	A work session of the Des Moines Area Community College Board of Directors was held in Room 210A on our Newton campus on March 11, 2019. Board Chair Joe Pugel called the meeting to order at 2:03 p.m.
ROLL CALL	Members present: Fred Buie, <i>*Felix Gallagher</i> , Fred Greiner, Kevin Halterman, Cheryl Langston, Denny Presnall, Joe Pugel, Madelyn Tursi.  Members absent: Jim Knott.  Others present: Rob Denson, President/CEO; Carolyn Farlow, Board Secretary; faculty and staff.
CONSIDERATION OF TENTATIVE AGENDA	Tursi moved; seconded by Langston to approve the tentative agenda as presented. Motion passed unanimously. Aye- Buie, Greiner, Halterman, Langston, Presnall, Pugel, Tursi. Nay-none.
BUDGET PRESENTATION	Ben Voaklander, Controller, presented the annual budget update.
REVIEW OF PROPOSED FY 2020 BUDGET	Ben Voaklander, Controller, reviewed the FY 2020 Proposed Budget.  <i>*Gallagher arrives at 2:45 p.m.</i>
ADJOURN	Tursi moved to adjourn; seconded by Langston. Motion passed unanimously and at 3:17 pm, Board Chair Pugel adjourned the meeting. Aye- Buie, Gallagher, Greiner, Halterman, Langston, Presnall, Pugel, Tursi. Nay-none.

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JOE PUGEL, Board Chair

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CAROLYN FARLOW, Board Secretary

Board of Directors  
Des Moines Area Community College

PUBLIC HEARING  
March 11, 2019

A special meeting of the Des Moines Area Community College Board of Directors was held in Room 210A on our Newton campus on March 11, 2019. Board Chair Joe Pugel called the meeting to order at 4:00 p.m.

ROLL CALL

Members present: Fred Buie, Felix Gallagher, Fred Greiner, Kevin Halterman, Cheryl Langston, Denny Presnall, Joe Pugel, Madelyn Tursi.

Members connected via telenet: Jim Knott.

Others present: Rob Denson, President/CEO; Carolyn Farlow, Board Secretary; faculty and staff.

CONSIDERATION OF  
TENTATIVE AGENDA

Following a flag ceremony by Boy Scout Troop 354, Tursi moved; seconded by Greiner to approve the tentative agenda as presented.

Motion passed unanimously. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.

ACKNOWLEDGEMENT OF  
PUBLIC HEARING

Board Secretary Carolyn Farlow reported that the notice of the time and place for the Public Hearing for the Budget was published in the Des Moines Register on Wednesday, February 27.

The Notice of the time and place for the Public Hearing for the Building 13 Automotive Addition and Renovation was published on the DMACC website on Thursday, February 14. The Notice of the time and place for the Public Hearing for the Urban Campus Student Life Building and Building 1 Renovation was also published on the DMACC website on Thursday, February 14.

No written objections have been received.

PUBLIC COMMENTS

None.

BUILDING 13  
AUTOMOTIVE ADDITION  
AND RENOVATION

Board Report 19-012. Attachment #2. Presnall moved; seconded by Greiner recommending that the Board adopt the resolution approving plans and specifications, form of contract and estimated costs for the Building 13 Automotive Addition and Renovation and recommending that the Board award the contract to Rochon Corporation.

Motion passed on a roll call vote. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.

URBAN CAMPUS  
STUDENT LIFE BUILDING  
AND BUILDING 1  
RENOVATION

Board Report 19-013. Attachment #3. Greiner moved; seconded by Langston recommending that the Board adopt the resolution approving plans and specifications, form of contract and estimated costs for the Urban Campus Student Life Building and Building 1 Renovation and recommending that the Board award the contract to Rochon Corporation.

Motion passed on a roll call vote. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.

FY 2020 BUDGET

Board Report 19-011. Attachment #1. Halterman moved; seconded by Tursi recommending that the Board pass a resolution adopting the proposed FY 2020 Budget (Funds 1, 2 and 7) and approving the proposed FY 2020 tuition and fee schedule.

Motion passed on a roll call vote. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.

ADJOURN

Presnall moved; seconded by Tursi to adjourn. Motion passed unanimously and at 4:08 p.m., Board Chair Joe Pugel adjourned the meeting. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.

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JOE PUGEL, Board Chair

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CAROLYN FARLOW, Board Secretary

Board of Directors  
Des Moines Area Community College

REGULAR MEETING  
March 11, 2019

The regular meeting of the Des Moines Area Community College Board of Directors was held in Room 210A on our Newton campus on March 11, 2019. Board Chair Joe Pugel called the meeting to order at 4:08 p.m.

ROLL CALL

Members present: Fred Buie, Felix Gallagher, Fred Greiner, Kevin Halterman, Cheryl Langston, Denny Presnall, Joe Pugel, Madelyn Tursi.

Members connected via telenet: Jim Knott.

Others present: Rob Denson, President/CEO; Carolyn Farlow, Board Secretary; faculty and staff.

CONSIDERATION OF  
REVISED AGENDA

Halterman moved; seconded by Greiner to approve the revised agenda as presented. Motion passed unanimously. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.

PUBLIC COMMENTS

None.

PRESENTATION

Joe DeHart, Newton Campus Provost, welcomed everyone to the Newton campus. He and his staff then provided an overview of their Food and Clothing Pantry, their Online Bookstore, their new Campus Store, Wellness activities, 25<sup>th</sup> Anniversary events, educational efforts at the Corrections facilities, and new programs at the Newton campus.

CONSENT ITEMS

Presnall moved; seconded by Langston to approve the consent items: a) Minutes from the February 11, 2019 Public Hearing and Regular Board Meeting; b) Human Resources report (Attachment #1); and c) Payables (Attachment #2).

Motion passed unanimously. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.

RESOLUTION  
AUTHORIZING THE EARLY  
CALLING OF MULTIPLE 42  
CERTIFICATES

Board Report 19-014. Attachment #3. Greiner moved; seconded by Tursi recommending that the Board adopt a resolution authorizing the calling of bonds for Multiple Projects 42.

Motion passed on a roll call vote. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.

CITY OF PRAIRIE CITY  
URBAN RENEWAL AND TIF  
EXTENSION

Board Report 19-015. Attachment #4. Halterman moved; seconded by Greiner recommending that the Board adopt a resolution in order to allow the City to use the Urban Renewal incremental property tax revenues for an additional five years.

Motion passed on a roll call vote. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.

CAMPUS SAFETY AND  
SECURITY  
RECOMMENDATION

Board Report 19-016. Greiner moved; seconded by Gallagher recommending that the Board grant the DMACC Administration the authority to increase Security to include arming some or all well-trained police or security personnel on DMACC facilities, as deemed appropriate, under the following parameters, unless altered by Board decision:

- a. Only off-duty fully sworn law enforcement officers will be armed and then only in exterior areas and entrances;
- b. In-class resolution of non-weapon related disputes will be handled by unarmed security, unless unavailable;
- c. Security staff, whether armed off-duty police or unarmed other security, will receive training in de-escalation and other conflict management skills;
- d. A final implementation plan for locations, hours, etc. of armed officers, will be brought back to the DMACC Board for approval prior to deployment.
- e. Administration is directed to continue to address and help prevent mental health issues that arise, including mental health first aid training, having counselors scheduled in such a manner so as to be able to meet with individuals on a walk-in basis, etc.

Board Chair Pugel then recognized those who had requested to address the Board on this topic in the order their requests were received by the Board Secretary:

- a. Bethany Sweeney and Krystal Cox; DMACC HEA
- b. Lynn LaGrone and Landi Smith; DMACC Diversity Commission
- c. Jesse Bustin; Student Activities Council
- d. Stacy Amling (on behalf of Catie Harris); DMACC Democrats

Motion passed on a roll call vote. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.

APPROVE RETRAINING OR  
TRAINING AGREEMENTS

Tursi moved; seconded by Greiner to approve Items #10-12 as one consent item. Motion passed on a roll call vote. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.

<i>Centro Incorporated, Project #1</i>	<u>Board Report 19-017.</u> Attachment #5. A resolution approving the form and content and execution and delivery of a Workforce Training and Economic Development contract under <b>Chapter 260C</b> , Code of Iowa, for <b>Centro Incorporated, Project #1.</b>
<i>Wiese Industries, Inc., Project #1</i>	<u>Board Report 19-018.</u> Attachment #6. A resolution approving the form and content and execution and delivery of a Workforce Training and Economic Development Training Contract under <b>Chapter 260C</b> , Code of Iowa, for <b>Wiese Industries, Inc., Project #1.</b>
<i>Goodwill Industries of Central Iowa, Project #1</i>	<u>Board Report 19-019.</u> Attachment #7. A resolution approving the form and content and execution and delivery of a Workforce Training and Economic Development Training Contract under <b>Chapter 260C</b> , Code of Iowa, for <b>Goodwill Industries of Central Iowa, Project #1.</b>
BOONE CAMPUS WINDOW REPLACEMENT	<u>Board Report 19-020.</u> Attachment #8. Gallagher moved; seconded by Presnall recommending that the Board adopt a resolution adopting the proposed plans and specifications and form of contract and estimated costs for the Boone Campus Window Replacement, setting the Public Hearing date as April 8, 2019 at 4:00 p.m. and setting April 4, 2019 at 2:00 p.m. as the date for receipt of bids.  Motion passed on a roll call vote. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.
FINANCIAL REPORT	Ben Voaklander, Controller, presented the February 2019 Financial Report as seen in Attachment #9 to these minutes.
CAMPUS UPDATES	The following Deans and Provosts provided updates on activities and events at their campus/department: Anne Howsare Boyens, Stan Jensen, Joel Lundstrom and Tony Paustian.
COMMITTEE REPORTS	None.
CLOSED SESSION	Langston moved; seconded by Tursi that the Board of Directors hold a closed session as provided in Section 21.5(1)(i) of the Open Meetings Law to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. There is a written request for the Closed Session on file.  Motion passed on a roll call vote. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.
RETURN TO OPEN SESSION	The Board returned to open session at 6:06 p.m. An audio recording of the closed session has been filed by the Board Secretary.

ADJOURN

Gallagher moved; seconded by Presnall to adjourn. Motion passed unanimously and at 6:08 p.m., Board Chair Joe Pugel adjourned the meeting. Aye- Buie, Gallagher, Greiner, Halterman, Knott, Langston, Presnall, Pugel, Tursi. Nay-none.

STRATEGY SESSION

The Board held a strategy meeting pursuant to the 20.17(3) provisions of Chapter 21.

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JOE PUGEL, Board Chair

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CAROLYN FARLOW, Board Secretary

**AGENDA ITEM** Human Resources Report

**BACKGROUND**

**I. Resignation**

- 1. Doran, John**  
Professor, Mathematics  
Boone Campus  
Effective: August 14, 2019

**RECOMMENDATION**

It is moved that the Board accepts the President's recommendation as to the above personnel actions.

**AGENDA ITEM** Receive and file President's recommendations for termination or reduction of continuing contracts under Iowa Code Chapter 279.

**BACKGROUND**

One teacher contract being terminated due to work performance.

One teacher contract being reduced from 1 FTE to .5 FTE as funds used to pay a portion of the position's salary are insufficient to retain the position at its current level. In the event sufficient funding is restored, it would be our intention to rescind this reduction.

Funds used to pay salaries of 14 positions with continuing contracts are insufficient to retain the positions. In the event sufficient funding is restored, it would be our intention to rescind these termination notices and seek to reemploy these individuals.

**RECOMMENDATIONS**

It is recommended that the Board receive and file the President's recommendations for termination or reduction of the continuing contracts under Iowa Code Chapter 279.

**AGENDA ITEM** A RESOLUTION APPROVING THE FORM AND CONTENT AND EXECUTION AND DELIVERY OF A WORKFORCE TRAINING AND ECONOMIC DEVELOPMENT TRAINING CONTRACT UNDER **CHAPTER 260C**, CODE OF IOWA, FOR **3M Abrasive Systems Division, Ames, IA PROJECT #5**.

**BACKGROUND**

Chapter 260C.18A, Code of Iowa, provides for retraining programs for businesses currently conducting retooling of a production facility and training programs for small businesses which meet other criteria established by the State of Iowa. Workforce Training and Economic Development Funds for projects are obtained from the State of Iowa through the Iowa Department of Education. The company identified below has met state criteria and DMACC is prepared to enter into an agreement to provide retraining or training as follows:

**Company Name/Address:** 3M Abrasive Systems Division  
900 Dayton Ave.  
Ames, IA 50010

**Product/Service:** Portable and precision bonded products, flexible abrasives, No-Slip Grip Cubitron II Discs, Roloc and Brushlon, and disc sheets.

**Type of Project:** TWI training

**Nature of Project:** The project will provide for leadership development

**Training Period:** March 1, 2019 to January 1, 2020  
**Average Wage Rate:** \$34.80  
**Number of Jobs Affected:** 15  
**First Year of Operation:** 1970  
**Available Training Funds:** \$25,000

**Form of Training Funds:** Forgivable Loan

**RECOMMENDATION**

The proposed Resolution, Contract and Budget are on file with the Board Secretary and available for inspection. It is recommended that the Board adopt the Resolution approving the form and content and execution and delivery of the Contract for this project.

Robert J. Denson, President

**AGENDA ITEM**

A RESOLUTION APPROVING THE FORM AND CONTENT AND EXECUTION AND DELIVERY OF A WORKFORCE TRAINING AND ECONOMIC DEVELOPMENT TRAINING CONTRACT UNDER **CHAPTER 260C**, CODE OF IOWA, FOR **Family Resource Center, Carroll, IA PROJECT #2**.

**BACKGROUND**

Chapter 260C.18A, Code of Iowa, provides for retraining programs for businesses currently conducting retooling of a production facility and training programs for small businesses which meet other criteria established by the State of Iowa. Workforce Training and Economic Development Funds for projects are obtained from the State of Iowa through the Iowa Department of Education. The company identified below has met state criteria and DMACC is prepared to enter into an agreement to provide retraining or training as follows:

**Company Name/Address:** Family Resource Center  
502 W 7<sup>th</sup> St.  
Carroll, IA 51401

**Product/Service:** Service provider to children and adults with mental and physical disabilities.

**Type of Project:** Training project for existing work force

**Nature of Project:** The project will provide for leadership development training and medical manager training.

**Training Period:** February 5, 2019 to October 9, 2019

**Average Wage Rate:** \$17.23

**Number of Jobs Affected:** 19

**First Year of Operation:** 1981

**Available Training Funds:** \$21,334

**Form of Training Funds:** Forgivable Loan

**RECOMMENDATION**

The proposed Resolution, Contract and Budget are on file with the Board Secretary and available for inspection. It is recommended that the Board adopt the Resolution approving the form and content and execution and delivery of the Contract for this project.

Robert J. Denson, President

**AGENDA ITEM**

A RESOLUTION APPROVING THE FORM AND CONTENT AND EXECUTION AND DELIVERY OF A WORKFORCE TRAINING AND ECONOMIC DEVELOPMENT TRAINING CONTRACT UNDER **CHAPTER 260C**, CODE OF IOWA, FOR **Scranton Manufacturing, Carroll, IA PROJECT #2**.

**BACKGROUND**

Chapter 260C.18A, Code of Iowa, provides for retraining programs for businesses currently conducting retooling of a production facility and training programs for small businesses which meet other criteria established by the State of Iowa. Workforce Training and Economic Development Funds for projects are obtained from the State of Iowa through the Iowa Department of Education. The company identified below has met state criteria and DMACC is prepared to enter into an agreement to provide retraining or training as follows:

**Company Name/Address:** Scranton Manufacturing  
217 Griffith Road  
Carroll, IA 51401

**Product/Service:** Manufacturer of mobile refuse collection equipment

**Type of Project:** Welding

**Nature of Project:** The project will provide for welding training

**Training Period:** May 7, 2019 to July 23, 2019

**Average Wage Rate:** \$19.91

**Number of Jobs Affected:** 4

**First Year of Operation:** 1971

**Available Training Funds:** \$6,324

**Form of Training Funds:** Forgivable Loan

**RECOMMENDATION**

The proposed Resolution, Contract and Budget are on file with the Board Secretary and available for inspection. It is recommended that the Board adopt the Resolution approving the form and content and execution and delivery of the Contract for this project.

Robert J. Denson, President

**AGENDA ITEM** Approval of Proposed Board Policy 2026: Freedom of Speech

**BACKGROUND**

The Iowa legislature recently passed a requirement for higher education entities to pass a policy with prescribed language regarding free speech. The legislature requested immediate implementation. IACCT, in coordination with the Dickinson law firm, drafted a model policy that meets the requirements noted in the bill. DMACC has elected to adopt that policy to meet the new legislative requirements. The accompanying procedure is being reviewed to include the appropriate clarifying language for implementation on campus.

**RECOMMENDATION**

It is recommended that the Board approve the proposed Board Policy Board Policy 2026: Freedom of Speech.

Robert J Denson, President

## **PREAMBLE**

Des Moines Area Community College (DMACC) establishes this Policy to comply with the laws of the State of Iowa and to protect speech and expression at public institutions of higher education.

The primary function of an institution of higher education is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function, the institution must strive to ensure the fullest degree of intellectual freedom and free expression allowed under the First Amendment to the Constitution of the United States.

It is not the proper role of an institution of higher education to shield individuals from speech protected by the First Amendment to the Constitution of the United States, which may include ideas and opinions the individual finds unwelcome, disagreeable, or even offensive.

It is the proper role of an institution of higher education to encourage diversity of thoughts, ideas, and opinions and to encourage, within the bounds of the First Amendment to the Constitution of the United States, the peaceful, respectful, and safe exercise of First Amendment rights.

Students and faculty have the freedom to discuss any problem that presents itself, assemble, and engage in spontaneous expressive activity on campus, within the bounds of established principles of the First Amendment to the Constitution of the United States, and subject to reasonable time, place, and manner restrictions that are consistent with established First Amendment principles.

The outdoor areas of campus of an institution of higher education are public forums, open on the same terms to any invited speaker subject to reasonable time, place, and manner restrictions that are consistent with established principles of the First Amendment to the Constitution of the United States.

For purposes of this Policy, the outdoor areas of campus are defined as the generally accessible outside areas of campus where the campus community are commonly allowed, such as grassy areas, walkways, or other similar common areas. Outdoor areas of campus do not include areas outside health care facilities, veterinary medicine facilities, facilities or outdoor areas used by DMACC's athletic programs or teams, or other outdoor areas where access is restricted to a majority of the campus community.

## **PROTECTED ACTIVITIES**

A Member of the campus community, which for this Policy shall include students, administrators, faculty, staff, and/or guests invited by students, administrators, faculty or staff, shall be freely permitted to engage in noncommercial expressive activity in outdoor areas of campus, subject to reasonable time, place, and manner restrictions, and as long as the Member's conduct is not unlawful, does not impede others' access to a facility or use of walkways, and does not disrupt the functioning of this Community College. DMACC may designate other areas of campus available for use by the campus community. All access to designated areas will be granted on a viewpoint-neutral basis.

Noncommercial expressive Protected Activities include but are not limited to any lawful oral or written means by which Members of the campus community may communicate ideas, including but not limited to all forms of peaceful assembly, protests, speeches including invited speakers, distribution of literature, circulating petitions, and publishing, including publishing or streaming on an internet site, audio or video recorded in outdoor areas of campus.

Protected Activities shall also include the right of student expression in a counter demonstration held in an outdoor area of campus as long as the conduct at the counter demonstration is not unlawful, does not materially and substantially prohibit the free expression of others, or impede other's access to a facility or use of walkways.

## **NONPROTECTED ACTIVITIES**

Nothing shall prevent DMACC from prohibiting, limiting, or restricting expression and/or expressive activity that is not otherwise protected by the Constitution of the United States. Nonprotected activities include, but are not limited to the following:

- a threat of serious harm and expression directed or likely directed to provoke imminent unlawful actions; and
- harassment, including but not limited to expression which is so severe, pervasive, and subjectively and objectively offensive that the expression unreasonably interferes with an individual's access to educational opportunities or Benefits provided by DMACC.

## **STUDENT ORGANIZATIONS**

DMACC will not deny Benefits or privileges available to Student Organizations based on the viewpoint or expression of the viewpoint of a Student Organization or its members protected by the First Amendment to the Constitution of the United States. For purposes of this Policy, Benefits means recognition, registration, use of facilities for meetings or speaking purposes, use of channels of communication, and access to funding sources otherwise available to other student groups.

In addition, DMACC shall not deny any Benefits or privileges to a Student Organization based on the Organization's requirement that its leaders agree to and support the Organization's beliefs as interpreted and applied by the Organization, and to further the Organization's mission. For purposes of this Policy, Student Organization means a group officially recognized or registered by DMACC, or a group seeking official recognition or registration comprised of students who are admitted and in attendance at DMACC who receive or are seeking to receive Benefits or privileges.

## **PUBLIC FORUMS ON CAMPUS-FREEDOM OF ASSOCIATION**

The outdoor areas of campus are deemed public forums. DMACC may maintain and enforce clear, published, reasonable viewpoint-neutral time, place, and manner restrictions that are narrowly tailored in furtherance of a significant institutional interest, but shall allow members of the campus to engage in spontaneous expressive activity and to distribute literature. If DMACC places restrictions, it shall provide ample alternative means of expression.

Except as provided in this Policy, and subject to the reasonable time, place, and manner restrictions, DMACC shall not designate any area of campus a free speech zone or otherwise create policies restricting expressive activities to a particular outdoor area of campus.

Nothing in this Policy shall be construed to grant individuals the right to engage in conduct that intentionally, materially, and substantially disrupts the expressive activity of a person or Student Organization if DMACC has reserved space in an outdoor area of campus for the activity in accordance with this Policy.

## **COMPLAINT PROCEDURE**

If a Member of the campus community believes he or she has been aggrieved by a violation of this Policy, the Member shall follow the established grievance procedures.

Adopted: April 8, 2019

Reviewed:

Revised:

**AGENDA ITEM**      Public Restrooms at Legacy Plaza

**BACKGROUND**

It is proposed that a public restroom facility be added to building 18 on the Legacy Plaza campus in Newton to facilitate the leasing of the retail space in the building as well as serve the future use of the greenspace known as Legacy Commons. The proposal is for a 4 stall women's and 4 stall men's restroom.

**RECOMMENDATION**

It is recommended that the Board adopt the following resolutions:

- A. Resolution Setting the Public Hearing Date and Adopting Proposed Plans and Specifications and Form of Contract and Estimated Costs for a Public Restroom in Building 18 on the Legacy Plaza in Newton. (The proposed public hearing Date is May 6, 2019 at 4:00 p.m.)
  
- B. Resolution Fixing Date for Receipts of Bids for the Public Restroom Facility in Building 18 on the Legacy Plaza in Newton. (This resolution sets the date of May 1, 2019 At 2 p.m. for the receipt of bids)

Robert J. Denson, President

**AGENDA ITEM**      **A RESOLUTION AUTHORIZING THE EARLY CALLING OF THE BUILD AMERICA BOND ISSUE**

**BACKGROUND**

Revenue Bonds referred to as Build America Bonds were sold to fund the Boone Campus Housing over a twenty year period. The bonds were issued back in June 2009. The net interest cost at the time was 6.38%. There was a 35% subsidy on the interest paid from the Federal government as part of the American Recovery and Reinvestment Act of 2009. This subsidy was later reduced by sequestration cuts of between 6.20% to 6.8% annually.

The Build America Bonds issue has the option of calling the bonds on June 1, 2019. The bonds issued to mature in years 11 through 20 can be called prior to their maturity date. The last ten years of these bonds have coupon rates of 6.125% to 6.70%.

We would like to retire this debt. DMACC will receive a financial benefit for calling these bonds prior to maturity. Redemption of these bonds and will save DMACC approximately \$610,000 in interest expense.

**RECOMMENDATION**

It is recommended that the Board adopt a resolution authorizing the calling of the Build America Bonds.

Robert J. Denson, President

**AGENDA ITEM** A resolution declaring the official intent of Des Moines Area Community College to reimburse itself for certain capital expenditures from the proceeds of the College's Plant Fund Capital Loan Notes.

**BACKGROUND**

Under section 260C.22 of the Code of Iowa, the College is authorized to issue Plant Fund Capital Loan Notes and use the proceeds from the sale of said notes to defray all or a portion of the cost of the purchase of grounds, construction of buildings, payment of debts contracted for the construction of buildings, purchase of buildings, and equipment for buildings, and for the purpose of maintaining, remodeling, improving, or expanding the College.

The College intends to finance some or all of the costs of the project described on Exhibit A attached from the College's Plant Fund Capital Loan Notes.

The College reasonably expects to reimburse from note proceeds for expenditures incurred by the College related to the project. The college intends to temporarily use amounts from the Plant Fund in an amount not to exceed \$4,000,000 to pay costs associated with the project.

**RECOMMENDATION**

It is recommended that the Board adopt the Resolution to allow the College to reimburse itself for Certain Capital expenditures from the proceeds of the College's Plant Fund Capital Loan Notes.

Robert J Denson, President

Attachment: Description of Projects

# Exhibit A

## DESCRIPTION OF PROJECTS

### URBAN CAMPUS STUDENT LIFE BUILDING & BUILDING 1 RENOVATION

The Urban Campus Student Life Building and Building 1 Renovation project consists of a new 59,950 square foot building including a single story wing with student lounge space and a conference center, and a three story wing including student services offices, classrooms, and science labs. The renovation of Building 1 consists of a 14,500 square foot renovation of a portion of the first floor for the media center and the academic achievement center. An automatic fire sprinkler system will also be added to all of Building 1 as part of this project. SHIVE-HATTERY Architects has prepared plans and specifications for this addition. The architect has established the probable construction costs at: \$20,100,000. The cost for this project, including furniture and other expenses, is approximately \$24,000,000.

### BUILDING 13 AUTOMOTIVE ADDITION & RENOVATION

The Building 13 Automotive Addition & Renovation consists of the renovation of auto labs, classrooms, and associated spaces totaling 41,050 square feet of interior renovation work, and an addition of new auto labs, classrooms, showrooms, and offices totaling 14,200 square feet. There is also an alternate bid for an additional auto lab and classrooms totaling 10,500 square feet. DLR Architects has prepared plans and specifications for this addition. The architect has established the probable construction costs at: \$7,400,000. The established probable construction costs for the alternate are \$3,260,000. The cost for this project, including data and equipment, is approximately \$12,500,000

### BOONE ATHLETICS EXPANSION

The DMACC Athletic Facility expansion project will provide areas for practice, strength and conditioning training, sports medicine treatment, physical education classes, camps, and clinics. The addition will include indoor hitting and practice ability for baseball, softball, and men's and women's golf. The facility will also provide two full college auxiliary courts for men's and women's basketball and volleyball. The Performance center will house a varsity weight room as well as an athletic training room with the ability to also do rehabilitation for injuries.

The facility will include a walking track on the ground level around the basketball courts, a conference room, hall of fame lobby entrance, and offices. In addition, this facility will provide the ability for DMACC to offer camps, clinics, and other events that the community will have the opportunity to be involved with. This facility will offer DMACC students, faculty, staff, and student housing residents the opportunity to work out, play pick-up games, and participate in intramurals as well.

The addition is an estimated 18,000 square foot expansion to the existing facilities. The estimated cost of the project is \$3,500,000.