



Diné College Board of Regents Regular Meeting

Minutes

Diné College
Jul 9, 2021 at 9:00 AM MDT

@ Zoom Video Meeting Conference

Minutes – Approved on September 10, 2021

Regent Dennison motioned to approve minutes, seconded by Regent Hatathlie. Vote: 6-0-0.

Attendance

Members Present:

Johnson Dennison, Theresa Hatathlie, Sharon Toadecheenie, Daniel Tso

Members Present (Remote):

Greg Bigman, Anderson Hoskie, Earl Manson

Guests Present (Remote):

Colby Geer, Anthony LaMorte, Ty Miller, Alex Montano

Staff and Students Present:

Michelle Cury, Avery Denny, Dr. Monty Roessel

Staff and Students Present (Remote):

Annabah Conn, Velveena Davis, Dr. Geraldine Garrity, Glennita Haskey, Leon Jackson, Winifred Jumbo, Bo Lewis, Marie Nez, Ermas Parrish, Rosalind Smith

I. Call to Order

The Diné College Board of Regents convened at 9:11 AM Friday, July 9, 2021, with the Board President Greg Bigman presiding and calling the meeting to order.

II. Roll Call

Regent Greg Bigman, President

Regent Theresa Hatathlie, Vice President

Regent Sharon Toadecheenie, Treasurer

Regent Earlson Manson, ASDC President

Regent Johnson Dennison, Member

Regent Anderson Hoskie, Member

Regent Daniel Tso, Member

Vacant seat, Navajo Nation Superintendent of Schools

Board President conducted roll call.

- Regent Manson joined at 10:05 a.m. MDT.

- Regent Hoskie joined at 10:40 a.m. MDT.

III. Invocation

Regent Tso provides the meeting prayer.

IV. Approval of Agenda

Motion:

Approving the agenda with one amendment.

Motion moved by Theresa Hatathlie and motion seconded by Sharon Toadecheenie.
Vote for approving motion: 5-0-0.

Motion:

Amendment to add resolution titled, "Approving amendments to the Diné College Charter in order to modernize operations and facilities, seek alternative sources of revenue and professionalize the Board of Regents."

Motion moved by Sharon Toadecheenie and motion seconded by Daniel Tso. Vote for amending motion: 5-0-0.

V. Introduction of Guests and Staff

Vice President Hatathlie provided an introduction of the member of the Board of Regents. Yearout Energy staff provided a brief introduction to attendees.

VI. Public Comments (Time Limit of 3 Minutes)

There was no public comments during this meeting.

VII. Announcements

There was no announcements made during this meeting.

VIII. Approval of Meeting Minutes

Motion:

Motions for approval of minutes as presented.

Motion moved by Sharon Toadecheenie and motion seconded by Johnson Dennison.
Vote for approving motion: 5-0-0.

- A. March 12, 2021 Regular Meeting Minutes

IX. Consent

A. Action Items

1. Action Item -

"Approves and Authorizes Minor in Navajo Cultural Arts as a New Diné College Academic Program."

Motion:

Approval of the consent item.

Motion moved by Sharon Toadecheenie and motion seconded by Daniel Tso. Vote for approving motion: 5-0-0.

B. Written Reports

Motion:

Approval of the written reports as presented.

Motion moved by Sharon Toadecheenie and motion seconded by Greg Bigman. Vote for approving motion: 5-0-0.

1. Office of the President- Dr. Monty Roessel, President
 - a. Projects and Operations
 - b. OIPR
2. Office of the Provost- Dr. Geraldine Garrity, Provost
3. Office of Finance & Administration- Bo Lewis, VP
4. Office of External Affairs- Marie Nez, VP
5. Office of Student Affairs- Glennita Haskey, VP
6. Staff Association- Winifred Jumbo, Staff Association President
7. Faculty Association- Rosalind Smith, Faculty Association President

X. Reports

A. Oral Reports

1. Office of the President - Dr. Monty Roessel, President

President Roessel highlights that the 79% passing rate for Math 101 is a substantial increase over a 4-year span. Also, mentioned secured \$1 million from AZ for remedial was renewed. Secured the \$1.7 million in Arizona Compact funds to the college. Reopening is planning to increase for the Fall semester aligning with the reopening of the Navajo Nation.

There are planning stages in effect all over campus. The college is seeking funding for the Tuba City campus student affairs building. Beginning the A&E phase of GCB building for the science wing. President Roessel expressed thanks to the Navajo Nation HEHSC Committee for attending the SR Groundbreaking ceremony. The college is continuing to work with the Department of the Interior in trying to get the O&M funding for the college. Researched different formulas that are used for O&M, looking at a formula for distribution that fits the needs of the college. In process of the third quarter review with the vice-presidents and provost. Seeking the Navajo nation council's support in assisting the development of a formula to utilize funding for construction or capital expenditures with BIE. Met with UofA Grants and research on two items: improving proficiencies and effectiveness in procedures & updating policies. President Roessel also mentioned working toward the increase of minimum wage for college, student loan assistance, and exploring writing off debts owed to the college.

- Regent Tso inquires of the distribution plan on construction specifically the extension sites focusing on their capacities. *Dr. Roessel advised seeking funding through Charter update & C19 funding expansion to include construction for utilization of expansion.*
- Regent Bigman mentions departments under the VP of External Affairs are requesting budget, advertising, and DPI addressing board directive. Requests President looks into requests and justifications for the requests. Recommends evaluation on course evaluations and scheduling to benefit students. Request update on the Diné College act, procurement policies. Academic Committee close-out on student surveys conducted at the end of the academic year.
 - President Roessel advised budget requests have been communicated between Vice Presidents Lewis and Nez. Bo Lewis explained COVID budgeting was not initially identified and unable to transition funds because of reporting submitted to the Navajo Nation. The discussion was to utilize the available department budget and once exhausted additional funds could then be identified. Vice President Nez shared issues faced with working with

conditions; however, finance personnel is not all aware of budget replenishment as discussed.

- Regent Bigman explains the boards' intent to legislators and the Navajo Nation President to understand the impacts of COVID to assist with the decision-making process with the directive for this report.
- President Roessel states he may suggest making the report into two parts: health and cultural impacts and economic development. Sovereignty Institute and DPI have two different intent with surveys. The concern is the impact and timeline if the information will still be relevant.
- President Roessel advised the college has been in conversation with Representative O'Halleran. The congressional calendar impacting timeline.
- Bo Lewis advised the procurement policy is in legal review and working to address some questions brought to her attention by legal.

2. Associated Students of Diné College - Earlsan Manson, Associated Students of Diné College President

The Associated Students of Diné College President Earlsan Manson introduced himself to the board of regents, administrators, and staff.

3. Faculty and Staff Association Reports - Winifred Jumbo, SA President & Rosalind Smith, FA President

- Staff Association- SA President Winifred Jumbo.
 - Regent Dennison expressed appreciation to staff working collaboratively with positiveness. The presentation is well-thought-out and clear.
 - Regent Bigman also expressed his appreciation for her leadership.
 - President Roessel also commended the progress of the association.

- Faculty Association- FA President Rosalind Smith. Mrs. Smith advised shared schedule of meetings for the association. The last meeting held had BOKF 401 retirement representative with the faculty. A few revisions will include adjunct faculty as non-voting members, accepting e-meeting and e-votes, oversight of the five academic standing committees with quarterly reports from each. DC Faculty Emeritus resolution approving that allows retired professors access to email and library services. The faculty ranking handbook revisions were shared with deans for their input. The FA President advised NCAP program manager requested the support of FA for the coordinator position. The FA shared written and oral support of the continuity and permanency of the NCAP program. The FA President does state the association does not have the authority to direct administration or budgeting. An overview of committee highlights was provided as noted with the written report.
 - Regent Bigman states the fact that administrative functions are brought to the association is concerning. He hopes the association continues to work with the administration and vice versa. He would like to ensure partnership amongst all college staff. Regent Bigman complimented bold initiatives and the full-year calendar that was presented.
 - Regent Hatathlie stated her understanding the association provided support and not approval. Regent Hatathlie shared her view on the cultural importance of the art, creativity, and the NCAP. Regent Hatathlie inquires if the program will be funded under general funds. Dr. Roessel does state the program transitioned under the academic program. Provost Garrity states in a review of job descriptions and positions. The development of a process ensuring sustainability and has a criterion of investment, that may take into account weighted attributes including culture.

Motion:

Motion to accept the oral reports.

Motion moved by Greg Bigman and motion seconded by Daniel Tso. Vote for approving motion: 6-0-0.

Lunch recess ends at 12:33 p.m. MDT

XI. Old Business

A. Action Item -

"Approval of "Dine College President and Board of Regents goals for 2020-2023" with specific Board of Regents goals."

Motion:

Motion to recall the resolution.

Motion moved by Greg Bigman and motion seconded by Daniel Tso. The resolution was previously read into record by Regent Toadecheenie. Vote for recall motion: 6-0-0. Item recalled.

Motion:

Approving the resolution.

Motion moved by Sharon Toadecheenie and motion seconded by Greg Bigman. Vote for approving motion: 6-0-0.

Regent Bigman notes the requested updates and consolidation of priorities have been incorporated into the revised attachment. Regent Toadecheenie request a revision date to reflect today's date as the appropriate adoption date.

B. Action Item -

"Approving the Modification Agreement between Dr. Charles "Monty" Roessel and the Dine College Board of Regents."

Motion:

Motion to recall the resolution.

Motion moved by Greg Bigman and motion seconded by Daniel Tso. Vote for recall motion: 6-0-0. Item recalled.

Motion:

Motion to approve the resolution. Resolution read into the record by Regent Toadecheenie.

Motion moved by Johnson Dennison and motion seconded by Daniel Tso. Vote for approving motion: 6-0-0.

Regent Bigman explains the current contract says the bonus being divided into two; one part what we deemed as progress against annual goals but the other was progress against long-term goals, so hitting specific milestones. Since the current contract says that's how we have to do it; first, we have to amend the contract before we provide the bonus. For the record, when the President is on vacation he's still receiving and responding to work items. The president shall take annual leave to ensure wellness.

- Regent Hatathlie points out the leave referenced on page 1, notes taking leave is mandatory to ensure wellness.

C. Action Item -

"Authorizing a One-Time Bonus Payment to President Dr. Charles "Monty" Roessel from June 2020 to May 2021, at ___% bonus rate in the amount of ___ dollars (\$xx,xxx) for performance and progress on goals."

Motion:

Motion to recall the resolution.

Motion moved by Sharon Toadecheenie and motion seconded by Greg Bigman. Vote for recall motion: 6-0-0. Item recalled.

Motion:

Approving the resolution. Regent Toadecheenie reads the resolution into the record.

Motion moved by Daniel Tso and motion seconded by Greg Bigman. Vote for approving motion: 6-0-0.

Motion:

Amend the resolution title to, "Authorizing a One-Time Bonus Payment to President Dr. Charles "Monty" Roessel from June 2020 to May 2021, at 20% bonus rate in the amount of thirty-two dollars (\$32,000) for performance and progress on goals."

Motion moved by Greg Bigman and motion seconded by Sharon Toadecheenie. Vote for amending motion: 6-0-0.

Lunch Recess began at 11:48 a.m. MDT | ended at 12:33 p.m. MDT

XII. New Business

A. Action Item -

"Authorizing and approving change order #1, construction cost increase for the Shiprock Math and Science building project with Arviso Construction Company, Inc. in the amount of \$958,153.00 (Nine Hundred Fifty-eight Thousand One Hundred Fifty-three Dollars) due to COVID19 Pandemic impacts on construction material suppliers and manufacturers."

Motion:

Approval of the resolution. Regent Toadecheenie reads the resolution into record.

Motion moved by Johnson Dennison and motion seconded by Daniel Tso. Vote for approving motion: 6-0-0.

President Roessel advised the college is working to meet deadlines to spend New Mexico funding. Director of Projects Leon Jackson notes the original pricing in February has increased and the change order reflects the increased price difference. The contractor will contact suppliers to lock in pricing when the resolution is approved. President Roessel adds the capital projects are impacted with COVID increased pricing as a direct impact. AIHEC President and the Department of Ed discussions resulted in the allowance of C4 or ARPA funds used to cover such costs.

- Regent Tso inquires about the total construction costs with the change order. Mr. Jackson reports \$7,958,103.00.

[Note: Regents Hoskie & Manson are not present, a quorum is met with five (5) regents present.]

- Regent Bigman inquires about the initial board-approved amount. Mr. Jackson notes \$7.4. Be cautious of managing the contingency because Navajo Preference requires an amount as an amendment. Put in a change order with the construction with their notification and our notification and this agreement. Let's double-check on the contract generally when they make a bid they authorize the purchase of these goods, part of that is because we want to avoid price gouging or price promise. President to ensure the proper documentation for change order and construction contract is in place.

Motion:

Amendment #1 - Amend title to reflect "Authorizing and approving a change order #1 construction cost increase for the Shiprock Math and Science building

project with Arviso Construction Company, Inc. in the amount of \$958,153.00 (Nine Hundred Fifty-eight Thousand One Hundred Fifty-three Dollars) due to COVID19 Pandemic impacts on construction material suppliers and manufacturers."

Motion moved by Greg Bigman and motion seconded by Daniel Tso. Vote for amending motion: 6-0-0.

[Note: Regent Hoskie joined at 12:42 p.m. MDT]

B. Action Item -

"Authorizing and approving Tsailie campus Security Department Parking Lot project in the amount of \$751,057.00 (Seven Hundred Fifty-one Thousand, Fifty-seven Dollars) to be constructed by Arviso Construction Company, Inc. as identified in the Capital Improvement and Investment Plan Document as part of the overall master plan funded by Arizona Compact."

Motion:

Approval of the Resolution. Regent Toadecheenie reads the resolution into the record.

Motion moved by Johnson Dennison and motion seconded by Greg Bigman. Vote for approving motion: 6-0-0.

On CIIP plan for 2016. The last portion of security department development. Over the last few years, we have been extending infrastructure, fiber, and underground distribution. Begin process began; however, was delayed due to COVID and shutting of gravel companies. The two bid packets cover that initial bid process and the current one. The parking lot will serve as parking and if needed, the command center for future emergencies with electrical connections to support. President Roessel mentions the increased cost of bids with Navajo Preference mentions the college will be seeking a modification to the NN Business Regulatory Act.

- Regent Tso mentions the attachments display "draft" in their watermarks. He requests the final contract for the record.
- Regent Bigman request solicitation to be included within the packet. Also, suggests that it may be easier to rebid based on high amount thus giving more time for public notice and increasing the competitive bidding process while working within a budget.

- Regent Toadecheenie asks if the level of priority for this project. *Dr. Roessel advised high priority for safety and logistical reasoning.*
- Regent Hatathlie with discussions at-hand advocates for a gym at the Tuba City Center

C. Action Item -

"Authorizing and approving Tsaille Campus student dorms and student family housing appliance replacement in the amount of \$946,281.56 (Nine Hundred Forty-six Thousand Two Hundred Eighty-one Dollars and Fifty-six cents) to fulfill Diné College's commitment to students as stated in Navajo Nation funding goal #1, quarter 2 – appliance replacement by awarding this project to Business Environments."

Motion:

Approval of the Resolution. Regent Toadecheenie reads the resolution into the record.

Motion moved by Johnson Dennison and motion seconded by Sharon Toadecheenie. Vote for approving motion: 6-0-0.

- Regent Tso, page 10 of attachment lists products slated to different campus/center locations. VP Haskey advised dorm accessed in 2016, students were more engaged to cook their own meals; washer and dryer appliances are outdated; appliance training would be offered to students and overall increase the college atmosphere for students.
- Regent Toadecheenie inquires if the appliances are high efficiency and energy saving. Regent Hatathlie asks if the machines will be operated by coin or card system?
 - VP Haskey does confirm the machines are energy efficient and will be tied to student cards.

D. Action Item -

"Accepting and Approving the Energy Audit for the Tsaille and Shiprock campuses for the purposes of entering into a Guaranteed Energy Savings Performance Contract (GESPC) from Yearout."

Motion:

Approval of the Resolution. Regent Toadecheenie reads the resolution into the record.

Motion moved by Sharon Toadecheenie and motion seconded by Greg Bigman. Vote for approving motion: 6-0-0.

Colby Geer provided an overview covering the primary project objectives; scope of work; Utility & Operational savings; environmental impact; financial scenario; and next steps. A presentation was shared on-screen and included within the board packet.

- Regent Tso asks if the solar array is trenched or connected to overhead powerlines and if environmental assessment. Alex Montano advised one trench to interconnection point to the south side of the campus. An environmental assessment is planned within the scope.
- Additionally, Regent Tso asks if the memorandum is legally sufficient for the board to approve. Dr. Roessel does advise college legal counsel has been involved with the review of the contract. Dr. Roessel explains the board will review the final energy audit report. The amounts once finalized, funded, or financed, will have to be approved by the board of regents.
- President Roessel asks if the utility savings estimated over 1-year and what is the estimated amount for 15-years. The industry range is a 3-6% increase per year, and estimates take 3% into an account.
- There was some misunderstanding on the procedure at the board meeting regarding the acceptance of the report and approval of the contract.

DIRECTIVE: Move forward to complete the report. Allow opportunity for board members to review in advance and share any questions.

Motion:

Tabling the resolution.

Motion moved by Daniel Tso and motion seconded by Sharon Toadecheenie.

Vote for tabling motion: 7-0-0.

E. Action Item -

"Approving amendments to the Diné College Charter in order to modernize operations and facilities, seek alternative sources of revenue and professionalize the Board of Regents."

Motion:

Approving the resolution. Regent Toadecheenie reads into record.

Motion moved by Sharon Toadecheenie and motion seconded by Theresa Hatathlie. Vote for approving motion: 6-0-0.

President Roessel advised the resolution highlights major changes for ease of reading and address veto. There are no changes to the charter redline version used in prior NNC legislation as a supporting document.

- Regent Tso requests additional supporting research documents.

Motion:

Amend section resolution section 6.b., "Expansion of Loan Capability – The amended charter will increase the loan limit from \$2 million and not to exceed \$50 million. This is to allow for greater access to all students across the Navajo Nation with modern higher education facilities."

Motion moved by Daniel Tso and motion seconded by Sharon Toadecheenie.
Vote for amending motion: 6-0-0

Motion:

Amend the agenda to add resolution, ""Respectfully requesting the Department of the Interior to modify the requirements on the use of the COVID-19 related federal funding to allow construction for much needed facilities within Diné College." as New Business Item F.

Motion moved by Daniel Tso and motion seconded by Sharon Toadecheenie.
Vote for amending motion: 6-0-0. Item F added to the agenda.

F. Action Item -

"Respectfully requesting the Department of the Interior to modify the requirements on the use of the COVID-19 related federal funding to allow construction for much needed facilities within Diné College"

Motion:

Approving the resolution. Regent Toadecheenie reads the resolution into record.

Motion moved by Daniel Tso and motion seconded by Sharon Toadecheenie.
Vote for approving motion: 6-0-0.

Motion:

Amending resolution "Therefore be it resolved #2 item", as "The Diné College Board of Regents encourages the Navajo Nation Executive Leadership and Council to support with any lobbying efforts."

Motion moved by Daniel Tso and motion seconded by Sharon Toadecheenie.
Vote for amending motion: 6-0-0.

XIII. Executive Session (If Deemed Necessary)

XIV. Next Meeting Dates

- A. Board of Regents Committee Meeting - Friday, August 13, 2021
- B. Board of Regents Regular Meeting - Friday, September 10, 2021

XV. Adjournment

Motion:

Motion to adjourn meeting at 2:51 p.m. MDT.

Motion moved by Greg Bigman and motion seconded by Anderson Hoskie. Vote for adjournment: 6-0-0.