

## MINUTES

### Board of Directors – Austin Community College District Public Facility Corporation April 14, 2008

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In accordance with the terms and provisions of the Texas Open Meetings Act, Chapter 551 of Texas Government Code, the Board of Directors of the Austin Community College District Public Facility Corporation convened in public session on Monday, April 14, 2008, at 6:05 p.m. in the Board Room (201) of the Highland Business Center of Austin Community College located at 5930 Middle Fiskville Road, Austin, Texas, with the following members present: Mr. John F. Hernandez; Mr. Allen H. Kaplan; Dr. James W. McGuffee; Ms. Nan McRaven [arrived at 6:14 p.m.]; Dr. Barbara P. Mink; Mr. Rafael Quintanilla; Mr. Jeffrey Richard; and Ms. Veronica Rivera. Dr. Lillian J. Davis was absent from the meeting.

It is further found and determined that in accordance with the policies and orders of this Board, the notice of this meeting has been posted and return thereof made pursuant to the terms and provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and there has been full compliance with the terms and provisions of said act, including the timely posting of the subjects of this meeting.

#### **DISCUSSION/POSSIBLE ACTION**

##### **Agenda Item 0004**

##### **Minutes of March 24, 2008, Meeting of the Board of Directors of the Austin Community College District Public Facility Corporation**

President John Hernandez introduced the item.

**Directors Allen H. Kaplan moved and Barbara P. Mink seconded that:**

**MOTION: The Board of Directors approve the Minutes of the March 24, 2008, meeting of the Austin Community College District Public Facility Corporation.**

**VOTE: The motion passed on a unanimous vote of 8-0.**

**FOR: Mr. John Hernandez, Mr. Allen H. Kaplan, Dr. James W. McGuffee, Ms. Nan McRaven; Dr. Barbara P. Mink; Mr. Rafael Quintanilla; Mr. Jeffrey Richard, and Ms. Veronica Rivera.**

**AGAINST: None.**

**ABSENT: Trustee Nan McRaven was absent for the vote. Trustee Lillian J. Davis was absent from the meeting.**

##### **Agenda Item 0005**

**Consideration and Action on a Resolution of the Board of Directors of the Austin Community College District Public Facility Corporation Approving the Interim Financing for the Acquisition of Property for a Round Rock, Texas, Campus; Approving and Directing the Execution and Delivery of the Letter Lease Agreement, Loan Agreement, Advance Promissory Note,**

## **Pledge and Security Agreement and Other Financing Documents; Making Findings and Grants; and Resolving Related Matters**

President John Hernandez introduced the item.

Mr. Ben Ferrell, Vice President for Business Services, provided information. The ACC Board of Trustees approved a contract to purchase land in Round Rock, Texas, for a proposed new campus. Financing for the purchase price not to exceed \$5.7 million, would be obtained by the ACC Public Facility Corporation through a Bond Anticipation Note to close on the purchase prior to the annexation election in Round Rock on May 10, 2008. The Bond Anticipation Note is an interim financing arrangement, and would be paid off by the issuance of bonds by the ACC Public Facility Corporation.

Mr. Ferrell introduced Mr. Tom Pollan, ACC Legal Counsel, and Mr. Jorge Rodriguez, ACC Financial Advisor.

Mr. Rodriguez provided information concerning the financing structure for the purchase of the land for a proposed Round Rock Campus. He stated four bids from commercial banks were received, and Wachovia Bank was the winning bid for the interim financing, locking in a interim rate of 2.97% for the duration until the take-out financing occurs. He said this was an extremely favorable rate. Mr. Rodriguez introduced Mr. Andy Deskin and Ms. Nora Chavez of Wachovia Bank who were present at the meeting for execution of the transaction. He said that it was anticipated that the loan would be funded on April 29, 2008, for acquisition and transfer of the property to the ACC District. Over the next several months work will occur on the take-out financing in the form of Lease Revenue Bonds through the Public Facility Corporation, with issuance occurring sometime in late July 2008 for an August 2008 closing to fund both the refunding of this note and the capital construction fund for the construction of the campus.

Mr. Tom Pollan provided information concerning the updated financial documents requiring action by the Board of Directors of the Austin Community College District Public Facility Corporation.

Mr. Rodriguez and Mr. Pollan responded to questions from Trustees.

**Directors James McGuffee moved and Allan H. Kaplan seconded that:**

**MOTION: The Board of Directors of the Austin Community College District Public Facility Corporation Approving the Interim Financing for the Acquisition of Property for a Round Rock, Texas, Campus and Directing the Execution and Delivery of the Letter Lease Agreement, Loan Agreement, Advance Promissory Note, Pledge and Security Agreement, and Collateral Assignment of Agreement and Other Financing Documents; Making Findings and Grants; and Resolving Related Matters.**

**VOTE: The motion passed on a unanimous vote of 8-0.**

**FOR: Mr. John Hernandez, Mr. Allen H. Kaplan, Dr. James W. McGuffee, Ms. Nan McRaven; Dr. Barbara P. Mink; Mr. Rafael Quintanilla; Mr. Jeffrey Richard, and Ms. Veronica Rivera.**

**AGAINST: None.**

**ABSENT: Dr. Lillian J. Davis.**

[Exhibit A.]

### **Announcements**

There were no announcements.

### **Adjournment**

Having no motion before the Board, the April 14, 2008, meeting of the Board of Directors of the Austin Community College District Public Facility Corporation was adjourned at 6:30 p.m.

### **Approved By**

James W. McGuffee, Secretary