

**BREVARD COMMUNITY COLLEGE
BOARD OF TRUSTEES
MEETING**

June 21, 1999
3:00 P.M.

Rm. #168, Perf. Arts Center
Melbourne Campus

PRESENT: Betts O. Silvernail, Vice-Chairman; James W. Handley, Mr. Eugene C. Johnson, Mrs. Miriam E. Martinez, Dr. Alexandra M. Penn Williams, Joe D. Matheny, Attorney; Thomas E. Gamble, Secretary

1. CALL TO ORDER:

Mrs. Silvernail, Vice Chair, called the meeting to order.

a. Reorganization of the District Board of Trustees

The gavel was passed to Dr. Gamble and he asked for nominations for the position of Chairman of Brevard Community College District Board of Trustees.

Mrs. Silvernail was nominated by Mrs. Martinez and Mr. Johnson was nominated by Dr. Penn Williams as Chairman for the Board of Trustees. Dr. Gamble called for a vote by a show of hands. Those voting in favor of Trustee Silvernail - Martinez, Silvernail; those in favor of Trustee Johnson - Penn Williams, Handley, Johnson. Mr. Johnson was selected as Chairman of the Board by a 3-2 vote.

Mr. Johnson nominated Mrs. Silvernail as Vice-Chair for the Board of Trustees. Dr. Penn Williams seconded the nomination. All those voting in favor of the motion - Johnson, Penn Williams, Handley, Martinez, Silvernail; opposed - none. Motion unanimously approved.

Dr. Gamble relinquished the Chair to Mr. Johnson.

It was the consensus of the Board to conduct the regular Board of Trustee meetings on the third Monday of each month at 4:00 p.m. alternating among the Titusville, Cocoa, Melbourne and Palm Bay campuses.

facility provides. The potential of providing scholarships to those students and families with a particular financial need is being considered with the proposed fee increase. Dr. Penn Williams commended the BCC Child Development Program.

4. CITIZEN-S PRESENTATION:

None

5. CONSTRUCTION & DEVELOPMENT:

a. Approval of Bid - Phase II - Library/Science Bldg. - Palm Bay Campus Expansion Project (Addendum)

Mr. Little reported on the bid for the library/classroom at the Palm Bay Campus. In response to advertising, the college received six bids all of which appeared to meet the minimum qualifications. The low bid for the construction project was from W & J Construction with a bid of \$8,682,100. Mr. Matheny has reviewed the bid materials and has confirmed that everything appears to be in order. The College has received a number of good recommendations on the work of W & J Construction. Mr. Little recommended approval of the award of low bid to W & J Construction and request the authorization for Mr. Matheny to prepare a contract based on the bid.

Mrs. Silvernail moved approval of the award of low bid in the amount of \$8,682,100 to W & J Construction for the Phase II construction at the Palm Bay Campus and to authorize Mr. Matheny to prepare a contract based on the bid. Mr. Handley seconded the motion. All those voting in favor of the motion - Silvernail, Handley, Martinez, Penn Williams, Johnson; opposed - none. Motion unanimously approved.

b. Discussion of YMCA Project - Palm Bay Campus - Dr. Gamble

Dr. Gamble reported he has received inquiries from the YMCA to utilize eight to

components of their program. This would be a three-party agreement. In terms of construction there would be no College monies involved. The only college involvement would be the provision of land. Dr. Gamble requested that the Board consider approving the concept and that a formal proposal would be brought to the Board for review. Dr. Gamble reported the YMCA is County-wide. Mr. Johnson suggested having a representative from the YMCA at a future Board of Trustee meeting with a formal proposal. It was the consensus of the Board to proceed with the preparation of a formal proposal.

6. OLD BUSINESS:

a. Report on Pending Legal Actions (Addendum)

(1) Danforth Case

Mr. Matheny reported a settlement offer has been received and will hopefully come back to the Board next month with a firm settlement.

(2) Creel Case

Mr. Matheny reported under Chapter 120 of the Florida Statutes an employee who is terminated is entitled, under certain circumstances, to a hearing. The Board can conduct the hearing in several ways. It can hear the case as a whole or appoint a Board member or Board members to hear the case; a qualified person can hear the case; or finally, and his recommendation, is that the Division of Administrative Hearings (DOAH) in Tallahassee can hear the case. The DOAH would hear the case and make a recommendation to the college Board which would then decide the final outcome. Mr. Matheny reported the Board is not bound to accept the Division of Administrative Hearings' recommendation, but the findings of fact that DOAH generates is binding on the Board. The Board, therefore, would have to show good cause to go outside the findings of fact. Mr. Matheny recommended that the Board approve transferring the case to DOAH for processing.

Dr. Penn Williams moved approval to transfer the Creel case to the DOAH for processing. Mrs. Silvernail seconded the motion. All those voting in favor of the motion - Penn Williams, Silvernail, Martinez, Handley, Johnson; opposed - none. Motion unanimously approved.

Mrs. Martinez moved approval of Policy #200.07, Florida Academic Improvement Trust Fund. Mr. Handley seconded the motion. All those voting in favor of the motion - Martinez, Handley, Penn Williams, Silvernail, Johnson; opposed - none. Motion unanimously approved.

7. **NEW BUSINESS:**

a. Personnel Actions - Mr. Lawton (Addendum)

Mr. Lawton reported the Personnel Actions include reappointments and include salary adjustments for certain faculty members. Mr. Lawton reported last year when the contract was approved a grid was prepared for salaries and provisions were made for anyone who disagreed with their placement on the matrix that the college would entertain an audit research and negotiate for a settlement. The salary adjustments are the result of this request. Mr. Lawton reported the administrative area career service reappointments (wage/hour) and professional/managerial reappointments are included and include a few salary adjustments along with the five percent across the board salary increase. Also, in the Personnel Actions there is one salary which was reduced to bring the salary more in line with the position. Mr. Lawton reviewed the process utilized to prepare the Personnel Actions offered to provide a detailed salary adjustment list, and answered questions presented by the Board of Trustees.

each of the Board member representatives should take an initiative to ensure that the bylaws and articles of incorporation are complete. Dr. Gamble proposed a workshop be conducted this fall on direct support organizations. Dr. Gamble recommended approval of appointments of Mr. Matt Conroy, Mr. Ben Jeffries, Mr. Gary Nungesser and Mrs. Cheryl Smith to serve on the Brevard Teaching and Research Labs (BTRL) Board of Directors.

Mrs. Silvernail moved approval of the appointments of Mr. Conroy, Mr. Jeffries, Mr. Nungesser and Mrs. Smith to the BTRL Board of Directors. Mrs. Martinez seconded the motion. All those voting in favor of the motion - Martinez, Silvernail, Penn Williams, Handley, Johnson; opposed - none. Motion unanimously approved.

c. Direct Support Organizations - Mr. Little (Addendum)

Mr. Little reported last year the legislature added a direct support organization requirement to Board of Trustee responsibilities. This review includes the audits, IRS returns, and any inter-DSO transactions. During the past year the college has brought to the Board a number of those required items and the information today is a follow-up on the remaining items which need to be brought before the Board. Mr. Little reported acceptance or approval is required of certain direct support organization items to meet criteria as outlined by Florida Statutes.

(1) Acceptance of Audits, Year Ending 1998 for the BCC Foundation, Inc. and the Florida Education and Research Foundation

Mr. Little reviewtion iteGe-1.ponn004 Tcpo,

(3) Approval of Annual Report of Conditions for DSO-s

Mr. Little reported the Annual Report of Conditions for Direct Support Organizations is a summary of items brought before the Board for approval during the year. Mr. Little provided a history on the DSO Task Group and the preparation of a Acommon@template for bylaws and article of incorporation. Dr. Kaliszeski reported on the action taken by the first DSO Task Group. In addition, a committee was formed at that time to address the bond issue which resulted in the agreement with Midwest Research Institute. Dr. Gamble reported he planned to convene a group to address the Midwes

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Dr. Gamble reported the Re

brokerage firm they are highly regulated. The Compliance Department wanted to ensure that she made the Board of Trustees aware that in the event of a conflict of interest she would abstain from any discussion or voting. BCC does have an A.G. Edwards account with the Merritt Island office. Mrs. Silvernail stated she would never receive any compensation in regard to any BCC account at A.G. Edwards.

Mr. Matheny reported he is drafting a letter to Mrs. Silvernail to the effect that her employment does not prohibit her from serving on the Board of Trustees, nor does it prevent the college from doing business with A.G. Edwards & Sons.

employees would be able to obtain better rates as everyone would be in the plan. Mr. Handley requested the number of those employees opting out of insurance that are opting out as their spouses have insurance coverage and they do not need it as opposed to those opting out to receive extra funds. Dr. Gamble reported Wuesthoff Hospital is not listed as a provider for the recommended insurance carrier since Wuesthoff has made the decision that they will not be a member of any plan involved with Health First. Mrs. Ferguson reported several insurance meetings will be conducted on each campus with employees to review and explain the new benefits. Mrs. Silvernail asked if employees were aware of the 403(b) benefit and suggested that meetings be held at some future time to explain this benefit in more detail to staff. Mrs. Ferguson reported employees are aware of this benefit. Dr. Gamble recommended approval of the recommendations of the College Insurance Committee.

Mrs. Martinez moved approval of the Insurance Committee recommendations as presented. Mrs. Silvernail seconded the motion. All those voting in favor of the motion - Martinez, Silvernail, Penn Williams, Handley, Johnson; opposed - none. Motion unanimously approved.

g. Acceptance of Annual Safety Discrepancy Report - Mr. Little (Addendum)

Mr. Little reported the college is required each year to complete a safety inspection of all the campuses. Mr. Little introduced Mr. Craig Carman, Director of Collegewide Safety and Security, who reviewed the Annual Safety Discrepancy Report and stated that each discrepancy is followed up with a work order for necessary corrections and/or repairs. Mr. Carman reported this report is a comprehensive examination of every facility. Mr. Carman reported as the new Director of Collegewide Safety and Security his responsibilities include keeping the college in compliance with the changing rules and regulations and to update the current safety procedures to standard. In addition, Mr. Carman files all of the appropriate safety reports with state and federal agencies. Each Campus President is responsible for security on their respective campuses. In the area of security, Mr. Carman reported, the goal is to ensure that all of the campuses perform their security functions uniformly. Mr. Johnson acknowledged receipt of the Annual Safety Discrepancy Report.

8. FINANCIAL ACTIONS:

- a. Acknowledgment - Monthly Financial Summary - May 1999 - Mr. Little
(Addendum)

Mr. Little reviewed the financial summary for May 1999 and stated the college is having a good financial year. The Board of Trustees will receive a complete budget in their August Board packets. Mr. Johnson acknowledged receipt of the May Monthly Financial Summary.

- b. Approval of Proposed Student Fee Increases - Mr. Little (Addendum)

Mr. Little reported the proposed student fee increase was presented at the Board Budget Workshop and is a reflection of increases approved by the legislature. Mr. Little reported the recommended in-state tuition credit fee increase is from \$42.00 to \$45.00 per credit hour and the in-state vocational recommendation is from \$28.00 per credit hour to \$38.00 per credit hour. The out-of-state fee credit increase recommendation is from \$150.00 to \$164.00 per credit hour and out-of-state vocational tuition recommendation is from \$173.00 to \$178.50 per credit hour.

Mrs. Silvernail moved approval of the student fee increases as presented. Dr. Penn Williams seconded the motion. All those voting in favor of the motion - Silvernail, Penn Williams, Handley, Martinez, Johnson; opposed - none. Motion unanimously approved.

- c. Approval of College Budget, 1999-2000 & Master Grade/Salary Schedule - Mr.
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adding a column to the monthly summary report which would show last year's total expenditure in each area listed. Dr. Gamble recommended approval of the College Budget, 1999-2000 & the Master Grade/Salary Schedule.

Mrs. Martinez moved approval of the College Budget, 1999-2000 & the Master Grade/Salary Schedule. Mrs. Silvernail seconded the motion. All those voting in favor of the motion - Martinez, Silvernail, Penn Williams, Handley, Johnson; opposed - none. Motion unanimously approved.

d. Approval of Write-Offs of Uncollectible Accounts - Mr. Cherry (Addendum)

Mr. Mark Cherry, Associate Vice President for Accounting, reviewed the write-offs of uncollectible accounts which he stated was an accounting transaction. Dr. Gamble recommended approval of Write-Offs of Uncollectible Accounts.

Mr. Handley moved approval of the Write-Offs of Uncollectible Accounts as presented. Mrs. Martinez seconded the motion. All those voting in favor of the motion - Handley, Martinez, Penn Williams, Silvernail, Johnson; opposed - none. Motion unanimously approved.

e. Approval of Expenditure from Allied Health Challenge Grant - Mr. Gilfilen (Addendum)

Mr. Gilfilen reported the approval of the expenditure from the Allied Health Challenge Grant is being requested to support the upcoming March 2000 International Human Patient Simulator Symposium. Dr. Gamble recommended approval of the \$25,000 expenditure from the Allied Health Challenge Grant.

Dr. Penn Williams moved approval of the \$25,000 expenditure from the Allied Health Challenge Grant. Mrs. Silvernail seconded the motion. All those voting in favor of the motion - Penn Williams, Silvernail, Martinez, Handley, Johnson; opposed - none. Motion unanimously approved.

9. INTERNAL AUDITOR-S REPORT:

a. Approval of Audit Schedule, 1999-2000 (Addendum)

Mr. Raphael reviewed the proposed Audit Schedule, 1999-2000 which included requests of the Board of Trustees and the District President, as well as audits of

d. Fact Book

Dr. Gamble reported a copy of the State