

**BREVARD COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
MEETING**

November 6, 2006  
3:10 p.m.

Board Room (#231)  
Administration Building (Bldg. #2)  
Cocoa Campus

**PRESENT:** Mr. James W. Handley, Chairman; Mr. C. R. "Rick" McCotter III, Vice Chairman;  
Mr. James Theriac; Mrs. Kimberly Tsamoutales; Mrs. Alberta Wilson;  
Dr. James A. Drake, Secretary; Mr. Andy Hament, Attorney

**1. CALL TO ORDER:**

Mr. James Handley, Chairman, called the meeting to order.

a. Pledge of Allegiance

Mr. Theriac opened the meeting with the recitation of the "Pledge of Allegiance."

b. Moment of Silence

Mr. Handley called for a moment of silence in honor of Dr. Thomas Gamble and his family.

c. Additions/Corrections to Agenda

None.

**2. CONSENT AGENDA:**

Mr. Handley recommended approval of the consent agenda items:

3.a. Minutes – Board of Trustees Workshop – October 23, 2006

3.b. Minutes – Board of Trustees Meeting – October 23, 2006

Mrs. Wilson moved approval of the consent agenda items. Mr. Theriac seconded the motion. All those voting in favor of the motion – Wilson, Theriac, Handley, McCotter, and Tsamoutales; opposed – none. Motion unanimously approved.

**3. APPROVAL OF OFFICIAL MINUTES OF PREVIOUS MEETINGS:**

- a. Minutes – Board of Trustees Workshop – October 23, 2006

Approved – consent agenda.

- b. Minutes – Board of Trustees Meeting – October 23, 2006

Approved – consent agenda.

**4. CITIZEN'S PRESENTATION:**

None.

**5. COMMUNICATIONS:**

- a. Update on Lowe's Contribution

Mr. Al Little, Vice President of the Palm Bay Community Center and Administrative Services (PBCAS) and Mr. Aicaalman, Mr. Little's Representative, Mr. Chris Thalman, has indicated that the Lowe's project in Palm Bay is being reviewed due to budget concerns, and that it is uncertain whether the project will go forward. Mr. Little reported that the fringe benefits negotiated in the contract by the College will not occur if the project is cancelled.

- b. Update on \$1 Million Proceeds from the Palm Bay Property (Addendum)

c. Discussion of Funds for Planetarium Equipment Purchases (Addendum)

Mr. Al Little, Vice President, Finance and Administrative Services, reported that equipment allocations to the Planetarium are made annually and prioritized by the Provost and campus leadership team, based on other Cocoa Campus equipment requests. In addition, he reported new equipment initiatives may be allocated through the strategic planning process. Finally, he reported equipment upgrades which are attached to the building could be financed using Plant funds.

Mr. Little provided a revenue/expense report. Discussion ensued regarding possible methods to increase Planetarium revenue. Dr. Drake will renew discussions regarding the possibility of a partnership with the University of Central Florida (UCF). In addition, it was suggested that a brainstorming meeting be organized with Dr. Amy Hendricks, Mr. Jim Ross, Mr. Mark Howard and Ms. Suzanne Leslie to discuss methods to make the Planetarium more profitable.

**6. CONSTRUCTION AND DEVELOPMENT:**

None.

**7. OLD BUSINESS:**

a. Update on Legal Actions – Dr. Drake/Mr. Theriac (Addendum)

Dr. Drake reported that Mr. Matheny provided a list of pending legal matters with his resignation letter of October 23. At the request of the Board, Dr. Drake sent a letter to Mr. Matheny on October 25, inviting his continued consultation on these pending matters. When there was no response, on October 30 Dr. Drake made inquiries and subsequently retained the services of Mr. Andrew Hament, GrayRobinson, to serve as interim legal counsel to the College. It was the consensus of the Board that Dr. Drake send a letter informing Mr. Matheny of this action.

Dr. Drake reported he has done research on the topic of retaining in-house counsel, but further research is needed utilizing Mr. Theriac's expertise. Mr. Theriac reported the hiring of in-house counsel by community colleges is a growing trend, with the majority of Florida's 28 community colleges currently utilizing in-house counsel. Mrs. Wilson requested a report at the December Board meeting to include cost comparisons as well as input from the Florida Ethics Commission.

Dr. Drake reported that he estimated the duration of Mr. Hament's service as interim counsel at six to eight weeks; however, Mr. Hament has agreed to serve as needed. Mr. Hament reported he has prepared a formal request for Dr. Drake's signature soliciting transfer of legal files from Mr. Matheny's office. Dr. Drake reported that the internal routing for legal requests will be through Mr. Ross, who

will forward matters to Mr. Hament for review and referral to appropriate legal specialists, as needed.

b. Report on Pending Legal Actions

Mr. Andrew Hament reported he and his associates are reviewing pending matters, which appear stable at present.



c. BCC Foundation:

Mr. Theriac deferred to Mr. Beagley who reported the golf tournament was a success raising more than \$50,000. The annual holiday meeting/social is being planned for December 14. Invitations will be forthcoming to the Board and Cabinet members. A five-day Carnival cruise out of Tampa will be auctioned at this meeting, courtesy of a Carnival Cruise Lines donation. In addition, Dell computer items and art will be auctioned with proceeds to be added to the golf tournament proceeds.

d. Cocoa Village Playhouse:

Mr. McCotter deferred to Dr. Drake who reported on an exciting fundraiser being proposed by Mr. Dewey Harris, which will be announced at a later date.

e. King Center for the Performing Arts: