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BROWARD COLLEGE
Minutes of the Regular Meeting of the Board of Trustees
February 24, 2009

PRELIMINARIES

President Armstrong welcomed everyone to the February Board of Trustees meeting. Chair Tanner called upon the Student Government President Beth Ordaz to lead the Pledge of Allegiance. Vice President of Academic Affairs, Judith Scherer introduced the faculty in attendance. Vice President of Student Affairs, Angelia Millender introduced the students in attendance. Ms. Jillian Printz introduced members of the media.

RETIREMENTS - None

RECOGNITION OF LLOYD RHODES

President Armstrong called Nancy Botero to the podium. Ms. Botero spoke about Mr. Rhodes' extraordinary contribution to the Broward College from 1997 to the present. Ms. Botero acknowledged all of Mr. Rhodes' accomplishments including the increase in growing donor dollars to \$5.7 million dollars reflecting a 39% increase. Ms. Botero thanked Mr. Rhodes for his support and leadership. The members of the Broward College Foundation presented a song tribute to Mr. Rhodes. Mr. Rhodes thanked the Board of Trustees, the Foundation staff and Ms. Botero for their support over the years. President Armstrong presented Mr. Rhodes and his wife with a gift of appreciation from the College.

I. MEETING CALLED TO ORDER

The regular meeting of the Board of Trustees of Broward College was called to order at 1:20 p.m. on Tuesday, February 24, 2009 by Chair Tanner at the Judson A. Samuels South Campus, 7200 Pines Boulevard, Pembroke Pines, Florida. In attendance were Chair Paul Tanner, Vice-Chair Guerin, Trustee Garrido, Trustee Douglass, College Attorney Fernander and President Armstrong.

II. APPROVAL OF AGENDA AND ACKNOWLEDGMENT OF PUBLIC NOTICE

A motion was made and seconded by Ms. Douglass/Ms. Garrido to approve the Agenda and Public Notice of the Regular Meeting of the Board of Trustees held on February 24, 2009 and it passed unanimously.

III. APPROVAL OF MINUTES

Mr. Fernander indicated there were some minor changes to the January 27, 2009 minutes. Ms. Douglass stated that under Item VI-L-5 (Policies), it should indicate that this policy was approved *with amendments* and that language should be added. A motion was made and seconded by Ms.

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Douglass/Mr. Guerin to approve as amended the minutes of the Board of Trustees meeting and the Student Forum Minutes of January 27, 2009 and it passed unanimously.

Item VII was moved up for presentation at this time

VIII. COLLEGE PRESENTATION - Teacher Education Program Update

Dr. Oroza stated that this was an update regarding what has transpired since January. Dr. Oroza indicated that SACS was sending a 9-member team next month and the appropriate documents containing 3 volumes have been forwarded to SACS. A number of task forces consisting of faculty, staff and administrators have been assembled in support of the programs. Dr. Oroza introduced Dr. Denise St. Patrick-Bell, Interim Dean of Teacher Education. Dr. Patrick-St. Bell spoke about the program which includes five degree programs including Secondary Mathematics, Middle Grades Mathematics, Secondary Biology, Middle Grades General Science and exceptional Student Education. Dr. St. Patrick-Bell discussed the figures as related to enrollment, core courses and introduced Dr. Jeannette Verboom, Director of Clinical Education. Dr. Verboom spoke about the collaboration with the Broward County School Board and introduced students who were currently enrolled in the programs. The students spoke about their positive experiences in the program and the impact on their lives.

IV. OLD BUSINESS

1. MWBE Annual Report – Mr. Pennell stated we had been very successful over the last several years in significantly and steadily increasing the participation of the MWBE vendors in our procurement activities. We have brought our goods and services from the low teens up to almost 37% of our activity. In our capital construction efforts, we have brought our MWBE participation from the low single digits up to almost 31%. Mr. Pennell stated that we recognize the need to improve efforts to obtain black vendors. There will be an item later in the meeting recommending minority vendors as our electrical contractors. There has been an increase in bidding of our projects. The College continues to be nominated for awards by the Florida Regional Minority Business Council. Mr. Alex Denis came to the podium. The report covers the fiscal year 2008 which terminated June 30th. The only numbers in the report are discretionary numbers which are the expenditures for which the College has some discretion for deciding who the vendor will be. The total dollars spent for discretionary items was almost \$12.8 million. Discussion ensued regarding figures, including percentage of participation of goods and services as well as construction and capital expenditures. Mr. Denis stated that more black vendors have been responding to bids. Ms. Douglass asked how the work is tracked and allocated equally between minority and non-minority groups. Mr. Denis stated there was a system in place and Mr. Pennell was getting ready to bring to the Board a report of how the allocation was done. Mr. Pennell indicated this would be done on a quarterly basis and will start in April, however, a report through December 31st could be provided to the Board at the next meeting. Mr. Tanner stated that Mr. Pennell and Mr. Denis were going to great lengths in the evaluation of equity of vendors and that the percentage was going up on reduced capital expenditures. Mr. Fernander stated that a policy was being created regarding reports to go to the Board. Mr. Denis spoke about the major accomplishment in 2008 and new initiatives. Ms. Douglass asked about the additional language regarding minority vendors to be added to the Kaufman-Lynn contract that was presented at the last Board meeting. Mr. Denis stated that he was working with Mr. Fernander to finalize language which will be standard language in all future contracts. Ms. Douglass congratulated Alex Denis and his team for their commitment to these goals and thanked President Armstrong for his support. Ms. Douglass stated that the recommendations contained in the Miller3 report completed a few years ago were never implemented and would like to make sure someone

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follows up on these recommendations. President Armstrong has requested that Mr. Denis review the policies with the Miller3 representative to get their input. Mr. Tanner stated that the College was a great community partner and congratulated Ms. Douglass and Mr. Williams for helping move the College forward in the area of diversity. Mr. Denis stated that the College has issued approximately 35 RFPs this year. Mr. Guerin acknowledged Mr. Denis' good work.

V. CONSENT AGENDA ITEMS

- A. Human Resources
 - 1. Employment of full-time and part-time Personnel (**Pulled/Ms. Douglass**)
 - 2. Resignation and Termination of Personnel (**Pulled/Ms. Douglass**)
- B. Purchasing
 - 1. Disposal of property – Authorize disposal, donation or sale by bid of surplus property assets (None)
- C. Contracts
 - 1. General (None)
 - 2. Construction/Facilities (None)
 - 3. Summary of Economic Development Contracts (None)
 - 4. Summary of Rentals of Bailey Hall/Omni
 - 5. Summary of Student Life Contracts
 - 6. Summary of Consultants/Performances Contracts
 - 7. Summary of Health Science Affiliation Agreements
 - 8. Summary of Articulation Agreements (None)
 - 9. Ratification of Previously Approved Contracts
- D. Student Receivable Debt Reduction
 - 1. Request to Discharge Student Debt
- E. Budget Amendments
 - 1. General Current Fund – Amendment #5 (**Pulled/Ms. Douglass**)
 - 2. Restricted Student Activities Fund – Amendment #5 (**Pulled/Ms. Douglass**)
- F. Warrants
 - 1. January 2009 warrants for payroll and accounts payable expenditures
- G. Curriculum Committee Recommendations
 - 1. Course Revision
 - 2. Program Revision
- H. Donations (None)

A motion was made and seconded by Ms. Garrido/Mr. Guerin to approve the items not pulled from the Consent Agenda, and it passed unanimously.

VI. ITEMS REMOVED FROM CONSENT AGENDA

Item V-A-1&2 – Ms. Douglass thanked the person responsible for highlighting with asterisks the information contained in these items.

Item V-E-1&2 – Mr. Pennell gave an explanation of the budget amendments including increasing the hospitality at North Campus for \$7,000 and helping to fund the holiday party for \$10,000. There was a \$40,000 transfer from the Provost area to Student Affairs for some multi-cultural programs on South campus. Additional funds were put into the HR budget for recruitment operations. There was water damage to a curtain at Bailey Hall which had to be replaced. Mr. Tanner was glad to see the increase in rental revenue from Bailey Hall. President Armstrong stated it was due to additional revenue generation

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and marketing. Ms. Douglass asked President Armstrong about the updated status of the technical and education program. President Armstrong stated there was a need for continuous review of all career and technical education programs to make sure enough students are enrolled to support the cost. There is also an analysis of outcomes and job markets and outcomes will be shared with the Board.

A motion was made and seconded by Ms. Douglass/Mr. Guerin to approve the items pulled from the consent agenda and it passed unanimously.

VII. ACTION ITEMS

Item A – Naming of Conference Room at Marine Technology Center of Excellence

Item B- Naming of Classroom at Marine Technology Center of Excellence – President Armstrong called Ms. Nancy Botero to the podium. Ms. Botero indicated that the Marine Industries Association of South Florida (MIASF) made a cash donation of \$50,000 to name a conference room in the new Marine Technology Center of Excellence and Joseph T. Charles made a cash donation of \$50,000 to name a classroom at the new Marine Technology Center of Excellence. Ms. Douglass liked the format of the proposal and stated it was a great idea to get out to the community. President Armstrong spoke about the support that Joseph Charles has shown to the marine industry and the community.

A motion was made and seconded by Ms. Douglass/Mr. Guerin to approve these items and it passed unanimously.

Item C- Selection of Electrical Contractor Services – Mr. Pennell stated this recommendation is for the selection for the college wide electrical contractor which will allow the College to obtain electrical services to help improve parking lot lighting, walkway lighting, upgrades, classroom technology upgrades and electrical emergency services. Mr. Pennell indicated four firms were recommended for the current three year period. Mr. Francisco Hoyos introduced the attendees from the electrical vendors that were present. Ms. Douglass asked for assurance that the work will be equitably distributed. Mr. Hoyos indicated this information was reviewed at monthly staff meetings.

A motion was made and seconded by Ms. Douglass/Mr. Guerin to approve this item and it passed unanimously.

Item D – Selection of Architect/Engineering Services – Mr. Pennell indicated that Acai Associates is the architecture/engineering company that is being recommended for the architect/engineering services for the Building 8 Simulation Addition. Mr. Hoyos stated that 21 firms responded and 6 firms were interviewed. Acai Associates have a lot of experience and are a minority vendor.

A motion was made/seconded by Ms. Douglass/Mr. Guerin to approve this item and it passed unanimously.

Item E – Resolution for South Campus Modulars – Pulled

Ms. Douglass asked when this item would come before the Board. Mr. Fernander asked Ms. Douglass to submit any questions to him and hopefully this item would come back next month.

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Item F-Affiliation Agreement - India - Pulled**Item G-Affiliation Agreement - Germany - Pulled**

Item H - Policies – Mr. Fernander indicated that there has been discussion right up to the last minute regarding policies and these were being passed out with some proposed changes which differ from those which were in the book and noted as highlighted changes.

1. 6Hx2-3.11-Employee Leave - Dr. Chun indicated that we have updated this policy to be in compliance with the Military Leave Act as well as Florida Domestic Violence Act that was passed allowing victims of domestic violence to take three days of leave under that statute. On page 2 of 4, it clarifies that caregiver leave can also be for any qualifying exigency which is defined at the end of the policy in accordance with new Federal law of conditions under which a person can be granted FLMA leave for military purposes. On page 2 of 4, Domestic Violence Leave, if the employee has no accrued leave in their sick or vacation bank, it would be considered as leave without pay and any documentation pertaining to the leave is confidential and protected under Florida Statute 119. Ms. Douglass wanted clarification that these changes were made in accordance with Florida law and the language tracks the Federal law as well. Dr. Chun confirmed that this was the case. Ms. Douglass asked that the history be added as well. Mr. Guerin asked about the language in Military Leave policy “provides up to 26 weeks,” and asked if this means they can take off up to 26 weeks with full pay. Dr. Chun stated this was correct as it was a much extended leave period that is allowed for caring for a service member who had been injured. The Federal law has been revised to increase time from 12 weeks and to 26 weeks. Mr. Fernander stated it is up to the employer to decide whether or not the employee has to exhaust the leave with FMLA and the FMLA leave does not have to be paid. This decision should come out of HR on whether the FMLA leave is going to be concurrent with approved benefit leave. Dr. Chun stated it runs concurrent with approved vacation and sick leave. Ms. Douglass asked where that is stated in the policy and Dr. Chun indicated it was in procedures.

A motion was made and seconded by Ms. Douglass/Mr. Guerin to approve this policy and it passed unanimously.

2. 6Hx2-3.12-Educational Benefits for Employees – Dr. Chun indicated that this policy has been updated in light of the fact that we now offer a Bachelor’s degree program and will offer tuition assistance to faculty and staff who take courses at the College in this program and other programs. A motion was made and seconded by Ms. Douglass/Mr. Guerin to move this item for discussion. Ms. Douglass referred to the language under II. 2. which states that the College will pay tuition fees only for the first two attempts at any course and asked whether this means that if the course is failed, the College is still going to pay. Dr. Chun indicated that this will be the case as long as the course is completed. Ms. Douglass stated she had a problem with that and if the course cannot be passed, then the College should not pay. Mr. Guerin asked if this would also include withdrawal. Ms. Douglass indicated she agreed with Mr. Tanner and that the grade should be a “C” or better. Discussion ensued regarding reimbursement of tuition. Dr. Chun stated that under tuition reimbursement, when a full time regular employee becomes a temporary grant-funded position full-time employee, they would still have the ability to access tuition reimbursement. Discussion ensued regarding courses taken through continuing education and benefits for attendance at other institutions. Ms. Douglass referred to page 4 of 4 and asked Mr. Fernander about the language which states “*Specific Collective Bargaining Agreements may vary from this policy.*” Mr. Fernander stated that any time we are talking about consequences, it has been our practice to allow for the fact that with regard to the CBA, we may have a specific way of resolving issues and we have to recognize that process. Mr. Fernander recommended adding “as

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maybe amended from time to time.” Mr. Fernander recommended language for II.2. *“The College would pay for in-state tuition fees only for courses successfully completed with a grade of “C” or better or for a second attempt when the second attempt is due to issues other than poor or disappointing performance.”* A motion was made and seconded by Ms. Douglass/Ms. Garrido to approve this policy as amended and it passed unanimously.

3. 6Hx2-3.41-Retired and Emeritus Standing - Dr. Chun presented the minor changes. With regard to continuing education courses, the words *“no charge”* have been deleted and replaced with *“half the published cost of the course.”* Regarding registration in regular courses, the language was clarified as to when you can use the tuition waiver as an emeritus. Discussion ensued regarding internet service for emeritus. A motion was made and seconded by Ms. Douglass/Ms. Garrido to approve this policy as amended and it passed unanimously.

4. 6Hx2-6.16-Collection of Funds Owed to the College – Bill Pennell came to the podium. There was a change regarding the addition of HR being involved in any payroll deduction. Mr. Fernander made the suggestion that before any payroll deduction is made, it should be reviewed by HR and legal in order to avoid Unfair Labor Practice issues. Ms. Douglass reiterated her request to have language included giving the President ultimate responsibility. President Armstrong suggested language *“upon approval by the President or his designee.”* Mr. Fernander stated that he had a meeting with Trustee Williams at which time Mr. Williams asked that the second paragraph under General Statement be deleted as it is redundant language. Ms. Douglass’ amendment will allow HR and legal to review the payroll deductions to make sure they do not violate statute and to add language to Implementation and Oversight that states *“upon approval by the President or his/her designee”* to all policies.

A motion was made and seconded by Ms. Douglass/Ms. Garrido to approve this policy with amendments suggested by Ms. Douglass and it passed unanimously.

A motion was made and seconded by Mr. Guerin/Ms. Douglass to approve this policy with amendment suggested by Mr. Williams and it passed unanimously.

5. 6Hx2-7.02-Bidding, Authority to Purchase, and Contracts Awarded Pursuant to Bids – The changes to this policy were made pursuant to meeting with Mr. Fernander and Mr. Williams. Mr. Fernander stated that the changes were an attempt to clarify the intent of the statute. Mr. Fernander indicated that the concept of the revised language was discussed with Mr. Williams, however, the specific language was not. Mr. Guerin agreed with the language and believes the policy does address the issue. Ms. Douglass referred to paragraph II and suggested that the words *“Chief Financial Officer or Associate Vice-President for Procurement Services”*, be stricken and leave *“President or his designee.”* Ms. Douglass referred to paragraph IX which talks about standardized goods. Ms. Douglass stated that at the last meeting, Mr. Pennell was unable to recall if he got a request from the Provosts for standardization and would like information on who is supporting standardization. Ms. Douglass stated we should not impose standardization and suggested college wide discussion on this issue before any language is included in the policy. Discussion ensued regarding standardization issues. Mr. Fernander suggested that perhaps this matter should be reviewed again by Cabinet with regard specifically to standardization and then brought back to the Board. Mr. Guerin agreed that there should be further discussion regarding standardization. A suggestion was made to move this policy forward with paragraph IX being stricken and revision of language in paragraph VI.

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A motion was made and seconded by Ms. Douglass/Mr. Guerin to approve this policy as amended and it passed unanimously.

6. 6Hx2-7.04-Property Control – Mr. Pennell indicated there were revisions to the legal authority to keep 274.02 and add 274.07. Ms. Douglass asked about the amounts referred to in the policy. Mr. Pennell confirmed these amounts were the same as Miami-Dade, Jacksonville, St. Pete and Valencia Community Colleges.

A motion was made and seconded by Ms. Douglass/Mr. Guerin to approve this policy and it passed unanimously.

7. New Policy- Procurement Code: Vendor Rights and Responsibilities - This is a new policy which attempts to describe our vendor rights and responsibilities and acts in conjunction with Policy 7.02 which attempts to incorporate both purchasing statutes and the desire of the Board. Mr. Williams has reviewed this and his comments are reflected in paragraph VI (Cone of Silence). In paragraph A-5 regarding giving gifts to College employees, Ms. Douglass asked Mr. Fernander if this was a misdemeanor and suggested that this term be included in the policy. Ms. Douglass stated she wanted this to come back in a crystal clear manner. President Armstrong suggested a procedure in conjunction with HR to clarify. Mr. Fernander stated that he would research this matter and look at some Attorney General Opinions. Ms. Douglass suggested that Mr. Fernander look at the recent legislative changes regarding textbooks.

A motion was made and seconded by Ms. Douglass/Mr. Guerin to pull this policy and bring it to the next Board meeting and it passed unanimously.

Ms. Garrido left the meeting.

These policies were for first read and were not discussed.

Draft Policies to be Reviewed by Legal/Cabinet

1. 6Hx2-6.01-Budget Preparation, Approval, Amendment and Execution
2. 6Hx2-6.07-Auxiliary Enterprises
3. 6Hx2-6.08-Expenditures of Auxiliary Enterprises
4. 6Hx2-6.10-Approval of Vouchers
5. 6Hx2-6.13-Student Fees, Charges, and Refunds
6. 6Hx2-6.15- Use of College Buildings, Facilities, and Services by Outside Agencies
7. 6Hx2-6.17-Bonds for Board Members and Employees
8. 6Hx2-6.18-Grants or Contracts for Program Support
9. 6Hx2-6.19-Sale of Tickets
10. 6Hx2-6.20-Foundation Scholarship Accounts
11. 6Hx2-6.21-Travel and Traveling Expenses
12. 6Hx2-6.22-Budget Amendments
13. 6Hx2-6.24-Fundraising and Donation of Equipment and Supplies
14. 6Hx2-6.25-Agency Fund Account
15. 6Hx2-6.26-College Liability Insurance
16. 6Hx2-6.27-Accounting for and Disbursing Student Financial Aid Funds
17. 6Hx2-6.28-Acceptance of Credit Card Payment
18. 6Hx2-6.29-Issuance of Checks and Statements of Accounts
19. 6Hx2-6.30-Transfer of Private Contributions to the Broward College Foundation, Inc.

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20. 6Hx2-6.31–Financial Conflicts of Interest in Federally Sponsored Grant Projects
21. 6Hx2-6.32–Alcohol on Campus
22. 6Hx2-6.33–Exceptions Process for Fee Implementation of HB 1545
23. 6Hx2-7.17-Sustainable Landscape Policy and Use of Native Plants
24. New Policy- Reporting
25. New Policy- Student Fee Refunds

1. COLLEGE PRESENTATION – Moved to beginning of agenda.

IX. INFORMATION ITEMS

A. **Project Status Report** – President Armstrong spoke about the progress of the new parking garage on Central campus and indicated that there are ongoing projects on all campuses which are creating jobs.

B. Information Items

1. **Annual Financial Report for 2008** – President Armstrong stated that the books are balanced and there were no audits issues. Trustee Garrido and President Armstrong congratulated Jayson Iroff for a job well done.
2. **Legislative Budget Update** – President Armstrong spoke about the recent legislative budget updates. We could be facing another 2% reduction in our budget for the current fiscal year ending June 30, 2009 and depending on how much of the stimulus dollars the Governor and Legislature choose to use, we could be facing additional budget cuts for next year from 5%-as high as 15% in the worst case scenario. The Governor released his updated budget request that includes some of the stimulus dollars, and it is not clear that the legislature is going to go along with this. The Governor is recommending that in order to face some of the shortfalls, tuition increases at the State universities could be as much as 20% and 5% for community colleges. This federal money would not be continuing dollars. The hope of the Governor is that these would be bridge funds over the next year or two until the economy improves. Our staff has been working to identify how we can reduce our budgets. We are contemplating a four-day work week this summer which would save funds on utility costs. The College always keeps in mind servicing the students and is looking at possibly having administrators going into the classroom. We may be able to implement a one-time early retirement incentive. We are holding open vacant positions and only filling them on an as-needed basis, mostly in the classroom. The College is cutting back on travel and exploring voluntary furloughs and trying to be innovative. Barbara Pippin came to the podium. She said that the Governor is cautiously optimistic and reiterated that the stimulus money is only a temporary fix and cannot be used for recurring expenses. At each meeting she has attended, the revenue dollars are down. There are more students coming to community colleges and we have less money. In addition, lottery money is down by 7.5% which affects Bright Futures. President Armstrong stated that there is a major addition to the Pell Grants and those students who are most needy will be taken care of. President Armstrong and Angelia Millender have worked on re-packaging the way we are working with students on Pell Grants, loans and Foundation dollars to make for better collaboration. Within the next few months, a full presentation will be brought to the Board on the way we have re-engineered serving students to get more dollars to them as a result of our best practices.

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3. RFP for Legal Services - President Armstrong indicated that the contract for legal services is coming to the end of the three year term and will need to go out for RFQ. Mr. Denis has prepared the draft of the RFQ and we would like Board feedback. Ms. Douglass asked about process for selection in the past. Mr. Denis stated a short list was created of 3-4 firms, interviews took place and the Board made their selection at a regular board meeting. Ms. Douglass requested an opportunity to review all responses to the RFQ. Mr. Tanner suggested that the Board sit as the search committee. Mr. Tanner asked Mr. Denis if the RFQ has been put out and Mr. Denis responded it was about to go out. Ms. Douglass asked if there is anything that prohibits the Board from selecting a firm or an individual lawyer to help to resolve an issue pursuant to the direction of Board. Mr. Fernander said there was nothing that prohibits the Board from doing this. President Armstrong asked Mr. Denis for direction on the time line for sending out the RFQ. Mr. Denis responded that we should attempt to get interviews in time for the April Board meeting, which would give us a month to negotiate a contract and bring it back to the May Board meeting for approval prior to the contract expiring on June 30, 2009. With regard to the handout that Mr. Williams previously provided, Ms. Douglass asked for the data listed in items 2, 3, 4 & 5. Ms. Douglass asked President Armstrong to consider accountability for legal dollars spent. Mr. Tanner suggested there be a budgeted amount and anything that exceeds this amount would come back to the Board. Ms. Douglass suggested this budgeted amount be in place before the next contract.
4. Emergency Management for Higher Education Grant – Dean Linda Wood came to the podium and introduced Mr. Rich Nicorvo who will be administering the grant. This is an 18-month grant in the amount of \$485,235 and will be used to update the College's emergency management plan. Ms. Douglass asked who found the money for the grant and Dean Wood advised it was Ellyn Drotzer from the Foundation. President Armstrong indicated the College is looking at other grants, including a Gates Foundation Grant.
- C. President's Report - President Armstrong advised the Board regarding the updates and items contained in their folders.
- D. Board Comments – Ms. Douglass asked Dean Miguel Menendez about the status of the boat at Central. Dean Menendez indicated that the boat was removed due to construction, but would be on display soon. Ms. Douglass thanked Dr. Oroza for the presentation. Mr. Guerin was impressed with the vision and implementation of the Baccalaureate program.

X. ADJOURNMENT

With no further business to discuss, a motion was made and seconded by Ms. Douglass/Mr. Guerin and the meeting was adjourned at 4:15 p.m.

1st semester

J. David Armstrong, Jr.
President, Broward College

Paul Tanner
Chair, Board of Trustees

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