

THESE MINUTES ARE TENTATIVE AND WILL NOT BECOME OFFICIAL UNTIL APPROVED BY THE BOARD AT A SUBSEQUENT MEETING

BROWARD COLLEGE
Minutes of the Regular Meeting of the Board of Trustees
March 31, 2009

PRELIMINARIES

President Armstrong welcomed everyone to the March Board of Trustees meeting, thanked Dr. Barbara Bryan for hosting the meeting and thanked the students for presentation of the student forum. Chair Tanner called upon the entire representative of the Student Government 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 acknowledged the DECA students and the students who would be participating in the college presentation later in the agenda. Ms. Jillian Printz introduced members of the media including representatives from The Observer.

RETIREMENTS - None

RECOGNITION OF DECA WINNERS- President Armstrong called Dr. Barbara Bryan to the podium. Dr. Bryan introduced Professor Paul Ricker, the student adviser to the DECA program. Professor Ricker thanked President Armstrong and the Board. Professor Ricker introduced the marketing and business students who represented the College at the State and National competitions and advised that the name of the organization has changed to Florida College DECA. DECA members competed this past month in the State competition in Orlando and, as usual, we had a number of winning students. Professor Ricker introduced all of the DECA winners and they were congratulated by the President and the Board. The DECA students presented President Armstrong with a gift.

Dr. Bryan spoke about the "wRites of Spring" program and presented the Board with a copy of the book from author Junot Diaz, Pulitzer Prize Winner and speaker at the recent program. There was a large turnout from the community and the event was extremely successful.

I. MEETING CALLED TO ORDER

The regular meeting of the Board of Trustees of Broward College was called to order at 2:05 p.m. on Tuesday, March 31, 2009 by Chair Tanner at the North Campus, Building 46, Room 152, 1000 Coconut Creek Boulevard, Coconut Creek, Florida. In attendance were Chair Paul Tanner, Vice-Chair Guerin, Trustee Garrido, Trustee Douglass, Trustee Williams, 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 March 31, 2009 and it passed unanimously.

III. APPROVAL OF MINUTES

Mr. Fernander indicated there were some revisions proposed by Ms. Douglass to the February 24, 2009 minutes. Ms. Douglass stated that since she makes it a practice only to correct her own remarks in the minutes, she would like Mr. Tanner to review his comments regarding the attorney contract. Mr. Tanner indicated that the minutes were correct. After the members of the Board reviewed the revisions to the minutes, a motion was made and seconded by Ms. Douglass/Ms. Garrido to approve the amended minutes of the Board of Trustees meeting and the Student Forum Minutes of February 24, 2009 and it passed unanimously.

IV. OLD BUSINESS (None)**V. CONSENT AGENDA ITEMS - Mr. Fernander indicated that Item V-C-9-a -- Embryo-Riddle has been pulled.**

- A. Human Resources
 - 1. Employment of full-time and part-time Personnel
 - 2. Resignation and Termination of Personnel
 - 3. Administrator Contract Renewal List 2009-2010 **(Pulled/Mr. Williams)**
 - 4. Faculty Contract Renewal List 2009-2010 **(Pulled/Mr. Williams)**
- 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
 - 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 (None)
 - 8. Summary of Articulation Agreements
 - 9. Ratification of Previously Approved Contracts
- D. Student Receivable Debt Reduction
 - 1. Request to Discharge Student Debt (Deceased) – **(Pulled/Mr. Williams)**
- E. Budget Amendments
 - 1. General Current Fund – Amendment #6 **(Pulled/Mr. Williams)**
- F. Warrants
 - 1. February 2009 warrants for payroll and accounts payable expenditures **(Pulled/Mr. Williams)**
- G. Curriculum Committee Recommendations
 - 1. Feb. 2009 Curriculum Items – Program Revision **(Pulled/Mr. Williams)**
 - 2. Feb. 2009 Curriculum Items – New Course **(Pulled/Mr. Williams)**
- 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.

AGENDA ITEM III
 APR 28 2009
 ENCLOSURE A

VI. ITEMS REMOVED FROM CONSENT AGENDA

Item V-A-3 & 4 – Administrator Contract Renewal List 2009-10 & Faculty Contract Renewal List – 2209-10 – Mr. Williams stated the Board should vote on the non-renewals and asked why they were not included. Dr. Chun stated that the non-renewals were not included in the past; however, she would supply them to the Board. Mr. Williams stated this was an employment action and should be voted upon. Mr. Fernander stated this was the Board's prerogative, however, he does not have independent recollection as to how this was handled in the past.

Item V-D-1-Request to Discharge Deceased Student's Debt – Mr. Williams expressed condolences to the family of Jana Bradley.

Item V-E-Budget Amendment-General Current Fund-Amendment #6- Mr. Williams asked about the figures regarding the Bachelor Program and stated it was his recollection that these were non-recurring dollars. Mr. Pennell confirmed.

Item V-F – Warrants – Mr. Williams stated that he noted that payroll was less than accounts payable for total warrants for the month. Mr. Pennell stated that this month's disbursements contained 198 pages of disbursement for student financial aid and this would explain why the amount this month is considerably higher than normal.

Item V-G-1 & 2 – Curriculum Items – Mr. Williams asked about fees associated with these programs. Dr. Scherer stated that there would be no special fees for these courses. Mr. Williams asked that in the future a tuition breakdown be included.

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

Item VIII was moved up for presentation at this time

VIII. COLLEGE PRESENTATION - Students' Proposal for Textbook Affordability -

Dr. Bryan came to the podium to introduce the students, including Miki Racine, President of Phi Beta Lambda, Michael Bramwell and Jewel Khan. Michael Bramwell spoke about the implementation of Florida Statute 1004.085 and Administrative Rule 6A-14.092 regarding textbook affordability which became effective on February 25, 2009. Mr. Bramwell also stated that as part of the Education Master Plan Goal 1, decisions must be student-centered, learning-centered and affordable. The average cost of a textbook for an undergraduate is \$120 which equates to a student spending approximately \$900 annually. A graph was presented indicating an analysis of Community College course materials cost data. Jewel Khan presented research and best practices citing examples from Miami Dade College, which plans to begin their first e-book pilot program and Northwest Missouri State University which has the pilot program in place. Miki Racine presented new technology, including i-Touch/i-Phone e-book features and showed a video demonstration of the Kindle 2 e-Book features. The benefits to students are affordability, portability, increased student access and the e-green effect. Michael Bramwell stated they have endorsements from Dr. Tai Houser and Professor Karen Parker and would like the College to begin offering e-textbooks in a limited number of classes during Fall 2009. Pilot data will be collected by the faculty and student leaders. Ms. Douglass stated that she thought it was a great idea and at the forefront of pedagogy. Mr. Williams stated that a year ago, the Board discussed the idea of accessing books and resources through the College web site. Mr. Williams asked if the technology infrastructure is strong enough to support this idea. Vice-President Patti Barney confirmed. Ms. Douglass offered her congratulations to the students for the presentation. Mr.

Guerin said the students gave a great delivery of the presentation. Discussion ensued regarding the availability and costs of books available for download. Mr. Williams suggested the participating students keep a journal of their experience. Ms. Douglass asked about student loss of any devices and Dr. Bryan indicated she would be responsible during the pilot program. Mr. Tanner stated that collaboration between administrators, faculty and students was the key to progress and success.

VII. ACTION ITEMS

A motion was made and seconded by Ms. Garrido/Mr. Guerin to move up on the agenda Item VII-I (Gerrits Construction – Bldg. 50/51).

Item I – Gerrits Construction-Bldg.50/51 – President Armstrong stated that demolition is completed and this contract is for reconstruction of these buildings. A motion was made and seconded by Mr. Williams/Mr. Guerin to move this item for discussion. Mr. Williams stated that this was a three-year project that took five-years and asked how we are going to make sure this does not happen again. Mr. Hoyos discussed Buildings 6 & 22 and stated we cannot begin our construction until we have all funds available, as the State has pushed back the construction money one more year. We typically get planning money one year, construction money the next year and equipment the third year. Mr. Hoyos confirmed that part of the delay is due to funding from the State. Mr. Williams asked about informing the President and/or legal of any additional liability under these contracts and asked whether we knew of the condition of the buildings. Mr. Hoyos indicated there was additional testing performed and it showed that the roof was infested with termites as well. Mr. Williams suggested that we do the best testing possible to know the condition of any asset which would save us time and money going forward. Mr. Williams indicated he would like the Board to be provided with a list containing this information. Mr. Tanner suggested that if the funding has been provided, it may be more cost-effective to borrow money as the cost of interest may be less than the cost of construction delays. Ms. Douglass stated that the contract that was originally attached to this item was not the correct contract and asked that in the future all attached documents be checked to make sure they are correct. Ms. Douglass asked about the wording in the Board Transmittal Sheet stating that the project has had financial difficulties in the past. Mr. Hoyos stated that this project was originally on the State's list for a few years as new construction, however, they now suggested that we proceed with this project as a remodel. Discussion ensued regarding the revision of paragraph 7.1 to read "365 calendar days." Ms. Douglass asked if that meant that if the transmittal was signed today, that the construction would be complete in 365 days. Mr. Hoyos stated that it would be 365 days from the Construction Manager receiving the purchase order which would be approximately ten days after approval. Ms. Douglass would like to have it put on record that within 375 days this project will be completed. Ms. Douglass referred to paragraph 14.2.1 and asked if there was a Guaranteed Maximum Price (GMP) included in the original contract. Mr. Fernander stated there was no Guaranteed Maximum Price and explained that the GMP may not be known at the beginning of the contract and is determined by the architectural review of the programming of the building and feasibility of the budget. Ms. Douglass stated that we are now amending the contract to add a date and price certain. Discussion ensued regarding liquidated damages and reference was made to paragraph 7.7.1 which indicated a penalty of \$300 per day. Ms. Douglass reiterated that if this building was not completed within 375 days, the College would receive \$300 day as liquidated damage. Mr. Fernander confirmed. Mr. David Gerrits stated they are more than ready to move forward with this project.

A motion was made and seconded by Mr. Williams/Mr. Guerin to approve this item and it passed unanimously. Trustee Garrido left the meeting.

AGENDA ITEM III

APR 28 2009

ENCLOSURE A

Item A – Retroactive Pay Settlement for Pierre Ambroise - Dr. Edna Chun stated this was retroactive pay for Pierre Ambroise, an employee in the bookstore for monies owed to him for compensatory time over a period of two years.

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

A motion was made and seconded by Mr. Williams/Ms. Douglass to move up on the agenda Item VII-F-(Pilot Program 4 Day Workweek for Summer Term) and Item VII-J-Policies.

Item F – Pilot Program – Four Day Workweek for Summer Term - Dr. Chun discussed the Memorandum of Understanding regarding the pilot 4-Day Workweek summer program which is a result of negotiations between the Broward College administration negotiating team and the UFF/Broward Chapter negotiating team. This program is designed as a cost-savings program to conserve energy during the summer term as a result of buildings being closed on Fridays on all campuses. A motion was made and seconded by Ms. Douglass/Mr. Williams to move this item for discussion. Dr. Chun indicated the projected savings would be between \$23,000 to \$50,000 depending on how many buildings are closed. President Armstrong stated we are moving forward with this pilot program as a one-time experiment and then we will evaluate the results. The Provosts are still working on their plan to determine how many buildings they can shut down. Mr. Williams asked about the implementation of additional security efforts. President Armstrong indicated that the Provosts and Business Deans are still working with security groups. The pilot 4-day workweek will commence on May 11, 2009 through August 15, 2009. Ms. Douglass requested to be updated on a monthly basis regarding cost-savings and progress of implementation. The President acknowledged that we would provide an analysis every month. Discussion ensued regarding comparison of utility bills and student feedback regarding the pilot program.

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

Item J - Policies –

1 . 6Hx2-1.15 Standard of Ethics and Professionalism for Public Officers and Employees of Agencies - Dr. Chun stated this was an update to the Code of Ethics policy to add some language about professionalism, respect, courtesy and confidentiality as well as respect for diverse ideas and perspectives. A motion was made and seconded by Ms. Douglass/Mr. Williams to move this item for discussion. Ms. Douglass indicated that she had a conversation with Mr. Fernander regarding this policy and she is not sure of the intention of this policy. Ms. Douglass stated she had a concern over the Board executing a policy that delineates in a clear manner to our employees as to what they can receive of value from persons with whom they are doing business or potentially will do business with in the future. Ms. Douglass stated that last year the legislature passed some statutory language regarding faculty and the books they choose for classes. Ms. Douglass indicated that the Board and the College have a duty to make it clear to College employees regarding their personal liability and we need a policy to clarify this issue. Mr. Fernander indicated that the Statute itself does not provide a bright-line test, but only refers to a reasonable man's test. Discussion ensued regarding the issue of college employees accepting gifts. Ms. Douglass suggested that the College set forth a dollar value and suggested language stating that College employees shall not accept anything of benefit or value in excess of \$25.00 from an entity which either does business or reasonably seeks to do business with the College in

AGENDA ITEM III

the future. Mr. Williams stated that he shared Ms. Douglass' sentiments and that it was difficult to draft this policy as it requires very direct Board input. Discussion ensued regarding specific restrictions being implemented. President Armstrong stated we will seek specific direction from the Board and will bring this item back. President Armstrong indicated we could consider the possibility of having the tickets donated to the College and he could allocate them. Mr. Tanner states this would be a fair and equitable solution. Ms. Douglass indicated she wanted to avoid an appearance of impropriety. Ms. Douglass asked whether the issue of books will be covered. Mr. Fernander indicated there was a specific statute related to books. Ms. Douglass requested that a report be provided to the Board at the end of any regular or special legislative session. If a statute or other authority is enacted that directly or indirectly impacts the Board, the employees, the students or anyone associated with the College, then at the next board meeting after the legislative session, this fact should be reported to the Board and the Board can decide a policy is warranted.

A motion was made and seconded by Mr. Williams/Ms Douglass to table this matter and it was passed unanimously.

1. New – Voluntary Furlough - In the spirit of cost-saving, the College has been exploring a voluntary furlough program for our non-represented Professional Technical Staff and Administrators to limit the necessity of a reduction of workforce. This would have to be negotiated with the union should they have any interest in working with us. Dr. Chun talked about the benefits of this policy. A motion was made and seconded by Ms. Douglass/Mr. Williams to move this item for discussion. President Armstrong stated we are also looking at an early retirement incentive program. Mr. Fernander suggested an addition to the policy to include the language giving the President the authority to create the necessary procedures for the proper implementation of this policy. Mr. Williams stated he would like to see the procedures accompany this policy to clarify the ambiguity regarding the employees that would be affected and how benefits would be paid. Discussion ensued regarding how benefits would be addressed. President Armstrong stated we would work on the criteria suggested. Dr. Chun withdrew the policy.

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

A motion was made and seconded by Mr. Guerin/Ms. Douglass to move Item VII-E (Mad 4 Marketing) up on the agenda.

Item E – Mad 4 Marketing - President Armstrong stated that this item represents the third and final one-year renewal of the five year contract for advertising, publications and marketing research services for the College.

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

Item B- 2009-2010 Private Contributions for Matching Purposes - Ms. Nancy Botero came to the podium. This item refers to private contributions received and deposited by the Broward College Foundation. President Armstrong commended the Foundation for a great job and expressed the hope that the economy will turn around and we will receive matching funds in the future. Mr. Tanner suggested a future presentation by the Broward College Foundation.

AGENDA ITEM III

APR 28 2009

ENCLOSURE A

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

Item C- PatrolSim Driving Simulator Upgrade – Dr. Lois Bolton came to the podium. This item is a sole source purchase for a software upgrade the PatrolSim Driving Simulator.

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

Item D – College Wide Furniture Purchases for April 2009 – Pulled.

Item G-Affiliation Agreement - India - Dr. David Moore is out of the country and Dr. Judith Scherer came to the podium. A motion was made and seconded by Ms. Douglass/Mr. Williams to move this item for discussion. Mr. Williams asked Dr. Scherer if we were the only College offering this access point to India. Dr. Scherer indicated that the College Consortium for International Studies provides a portal for many colleges to participate in numerous programs. Ms. Douglass addressed a question to Mr. Tanner regarding the insurance limit of \$100,000 per person/\$300,000 per occurrence and asked for his input. Mr. Tanner stated he did not think this was a sufficient amount. Mr. Fernander stated that we have confirmed that each study abroad site has its own insurance policy at their location. Our requirement for additional insurance is to protect the College in case we would have to sue them regarding paragraph 4 (Indemnity, Hold Harmless and Duty to Defend). Mr. Fernander indicated that he has researched this matter and had conversations with several other colleges. This was an attempt to compromise to insure the College was protected in the event it was necessary to institute litigation against the host institution. Discussion ensued regarding the AAA insurance rating. Mr. Tanner suggested that if this is best practices, this language should reflect the current environment. Discussion ensued regarding the amount and source of liability insurance. Ms. Douglass stated that the liability issue should be addressed along with security issues. Ms. Douglass indicated she cannot support a five-year contract. Mr. Fernander stated that he has prepared a release to be signed by students. Mr. Fernander indicated the College is the portal for ICMS for students from elsewhere in the United States. Discussion ensued regarding length of contracts, new language contained in the agreement and release and overseas liability issues. Mr. Fernander stated that this is a complete revision of this agreement. Ms. Douglass stated that the \$100,000/\$300,000 threshold was too low and should be raised. Mr. Fernander suggested raising the limits to \$1million/\$3million. Mr. Fernander stated that we have attempted to obtain pricing for insurance through the consortium and the consortium does not know any place where we could obtain the insurance. Therefore, the host country would have to obtain the insurance. Mr. Fernander suggested that we continue this item to a date certain for the April board meeting. President Armstrong stated we would consult with Dr. Moore upon his return to attempt to resolve this matter. Ms. Douglass indicated that Mr. Fernander has done a wonderful job in re-writing this contract. Mr. Fernander stated that upon checking with other institutions, they are signing the standard CCIS contract which does not assign liability.

A motion was made and seconded by Ms. Douglass/Mr. Williams to continue this item to a date certain at the April board meeting and it passed unanimously.

Item H-Affiliation Agreement - Germany – A motion was made and seconded by Ms. Douglass/Mr. Williams to continue this item to a date certain at the April board meeting and it passed unanimously.

AGENDA ITEM

III

APR 28 2009

ENCLOSURE

A

VIII. COLLEGE PRESENTATION – Moved to beginning of agenda.

IX. INFORMATION ITEMS

A. Project Status Report – President Armstrong stated that the parking garage at Central campus is nearing completion and is on schedule for opening for fall classes. Mr. Tanner asked about the date for the C/O on the JA building. President Armstrong indicated that it would be sometime this summer and our team has been working to get our classroom ready. Mr. Tanner suggested that we hold a Board meeting at the JA site. Ms. Douglass asked about planting exclusive native plants at the JA site. Ms. Douglass requested that someone report back to her prior to commencing landscaping.

B. Information Items

1. **2007-2008 Financial Audit Report** – President Armstrong stated that the finance team has done a great job. Jayson Iroff came to the podium and reported that our audits came back clean with no deficiencies. The Board congratulated Jayson and everyone involved.

C. President's Report

President Armstrong directed the Board's attention to the Graves Museum Report, the ADA update, the Distribution of Work-Continuing Contracts and the newspaper articles.

Mr. Tanner referred to the distribution of work from 2008-current and commented that it was more evenly distributed. President Armstrong indicated that Francisco Hoyos and his team and Alex Denis were monitoring this on a regular basis.

President Armstrong spoke about the information that the Board requested on legal expenditures.

President Armstrong indicated we were making good progress on the fixed asset inventory.

President Armstrong spoke about the SACS visit and congratulated the entire team for coordinating the visit. President Armstrong thanked Mr. Tanner and Mr. Guerin for representing the Board. We will be receiving a full written report which will be shared with the Board. There was good feedback on the new Teacher Education Program and the SACS team was impressed with our progress. SACS had some recommendations including the College continuing to develop and implement institutional effectiveness criteria, faculty credential reporting, and suggested revisions to the College Mission Statement to be more specific about the program offerings. The team will meet again to work on the Mission Statement.

President Armstrong asked the Board for additional guidance and discussion regarding the legal contract and would like specific guidance as to how the Board would like to proceed. Alex Denis has provided a Suggested Selection Process Timeline. President Armstrong asked the Board for their input on the proposed timeline. There was discussion regarding responses to questions proposed for clarification by potential law firms and cost containment with respect to legal bills (couriers, copies, etc.) Alex Denis confirmed that the RFQ is out and we are getting ready to release an addendum. The proposals are due April 15, 2009 and will be provided to the Board. Ms. Douglass suggested that the interviews take place at a special board meeting. Ms. Douglass asked if the Foundation was going to continue with

AGENDA ITEM III

APR 28 2009

ENCLOSURE A

independent legal representation. Ms. Douglass asked if we had a duty to answer these questions. Mr. Fernander stated the Board did not have an obligation to respond. Ms. Douglass stated she did not know the answer to a lot of the questions and does not think that it is her job statutorily to respond. Ms. Douglass stated she did not believe she had a duty as a Board member to know the answer to these questions in writing or on the record. Further discussion ensued regarding responses to the questions submitted and the anticipated number of law firms that may respond to the RFQ. There was discussion regarding Ms. Garrido's term being finished at the end of May. The timeline was agreed upon by the Board.

D. **Board Comments** - Ms. Douglass thanked Dr. Bryan for hosting the board meeting, the wonderful student presentation and for the delicious lunch.

X. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 4:50 p.m.

10/20/09

J. David Armstrong, Jr.
President, Broward College

Paul Tanner
Chair, Board of Trustees

AGENDA ITEM III
APR 28 2009
ENCLOSURE A