

**BREVARD COMMUNITY COLLEGE
BOARD OF TRUSTEES
MEETING**

November 16, 2001
4:00 p.m.

Administration Building #2, Board Room #231
Cocoa Campus

PRESENT: Mrs. Miriam E. Martinez, Chair; Mr. James W. Handley, Vice Chair;
Mr. Eugene C. Johnson; Mr. C. R. "Rick" McCotter III;
Dr. Alexandra M. Penn Williams; Dr. Thomas E. Gamble, Secretary;
Mr. Joe Matheny, Attorney

1. CALL TO ORDER:

Mrs. Martinez called the Board meeting to order.

2. CONSENT AGENDA:

Dr. Gamble recommended approval of the consent agenda items as presented:

- 3.a. Approval of Minutes – Board of Trustees DSO Relations Workshop – October 22, 2001
- 3.b. Approval of Minutes – Board of Trustees Allied Health Program Workshop – October 22, 2001
- 3.c. Approval of Minutes – Board of Trustees Meeting – October 22, 2001
- 3.d. Approval of Minutes – Board of Trustees Executive Session – October 22, 2001
- 3.f. Approval of Revision to Minutes – Board of Trustees Retreat – September 21, 2001
- 7.a. Approval of Report on Pending Legal Actions
- 8.a. Approval of Personnel Actions
- 8.b. Approval of Revision to College Policy #102.06, "Harassment"
- 9.a. Approval of Monthly Budget Summary Report
- 9.b. Approval of Quarterly DSO Financial Summary Reports

Mr. Johnson moved approval of the consent agenda items. Dr. Penn Williams seconded the motion. All those voting in favor of the motion – Handley, Johnson, McCotter, Martinez, and Penn Williams; opposed – none. Motion unanimously approved.

3. APPROVAL OF THE OFFICIAL MINUTES OF PREVIOUS MEETING:

- a. Minutes – Board of Trustees DSO Relations Workshop Meeting – October 22, 2001

Approved – consent agenda.

- b. Minutes – Board of Trustees Allied Health Program Workshop – October 22, 2001

Approved – consent agenda.

- c. Minutes – Board of Trustees Meeting – October 22, 2001

Approved – consent agenda.

- d. Minutes – Board of Trustees Executive Session – October 22, 2001

Approved – consent agenda.

- e. Minutes – Board of Trustees Special Meeting – November 8, 2001

Mrs. Martinez made a statement on behalf of the Board of Trustees to clarify the actions taken at the November 8, 2001, Special Board Meeting relating to the college budget challenges. Mrs. Martinez reported Mr. McCotter moved approval of the administration's recommendation to amend the 2001-2002 budget, reducing the budget by \$1.3 million. The motion also included the recommendation that the community members, who had expressed concern about the closing of the Cocoa Campus pool, be invited to make a presentation to the Board at a Pre-Board meeting workshop on December 17, 2001, regarding the possibilities for community financial support to keep the pool open. Mrs. Martinez reported the motion also included the recommendation that community members, who had expressed concern about the closing of the college intercollegiate athletics program, effective July 1, 2002, be invited to make a presentation to the Board, at a Pre-Board meeting workshop on January 28, 2002, regarding the possibilities for community financial support to keep these athletic programs operating. Finally, the motion included the recommendation that a Board Committee be formed to determine methods to enable the Astronaut Memorial Planetarium to become self-supporting. Mrs. Martinez reported all of these efforts are in progress at this time. The Board, at the November 8, 2001, meeting, took no action regarding these items. The decision will be based on the success of the Brevard Community to provide sufficient funding to underwrite the activities. A 60-day

window of opportunity was established for these efforts to reach success in identifying the necessary funding.

Dr. Penn Williams moved approval to accept the clarification statement provided by Mrs. Martinez. Mr. Johnson seconded the motion. All those voting in favor of the motion – Handley, Johnson, McCotter, Martinez, and Penn Williams; opposed – none. Motion unanimously approved.

f. Revision to Minutes – Board of Trustees Retreat – September 21, 2001

Approved – consent agenda.

4. **COMMUNICATIONS:**

None

5. **CITIZEN'S PRESENTATION:**

None

6. **CONSTRUCTION AND DEVELOPMENT:**

None

7. **OLD BUSINESS:**

a. Report on Pending Legal Actions – Mr. Matheny (Addendum)

Approved – consent agenda.

8. **NEW BUSINESS:**

a. Approval of Personnel Actions – Ms. Oglesby (Addendum)

Approved – consent agenda.

- b. Approval of Revision to College Policy #102.06, “Harassment” – Ms. Oglesby (Addendum)

Approved – consent agenda.

- c. First Reading of Revision to College Policy #101.03, “Direct Support Organizations” – Dr. Gamble (Addendum)

No action required – first reading.

9. FINANCIAL ACTIONS:

- a. Monthly Budget Summary Report – Mr. Cherry (Addendum)

Approved – consent agenda.

- b. Approval of Quarterly DSO Financial Summary Reports – Mr. Cherry (Addendum)

Approved – consent agenda.

10. REPORT OF THE DISTRICT PRESIDENT:

- a. Spring 2002 Schedule

Dr. Gamble provided the Board members with copies of the Spring 2002 schedule. He reported the University of Central Florida (UCF) inclusion is no longer in the schedule because they now have a complete electronic schedule. A UCF reference has been included in the BCC schedule.

- b. Correspondence Regarding Community Support

Dr. Gamble reported the Board members have been provided with a copy of the correspondence, sent by Dr. Gamble, to Mr. Stanley Heinricher, the designated community representative for considerations on the Cocoa Campus pool. He reported that he also provided the Board members a copy of the correspondence, which was sent to Mr. Richard Blake and Mr. Rusty Buchanan, the designated community representatives who will look at the intercollegiate athletic programs for community funding. Dr. Gamble reported the pool will be discussed at a December 17, 2001, Pre-Board meeting and the athletic program presentation is scheduled at a January 28, 2001, Pre-Board meeting.

c. Director of the Moore Multi-Cultural Center Newspaper Article

Dr. Gamble reported on the newspaper article regarding the Moore Multi-Cultural Center plans. Ms. Alison Pittman is leading this effort.

d. Newspaper Report Regarding the Presentation on Charter Schools

Dr. Gamble reported Dr. Penn Williams and Mr. Handley were both in attendance at the presentation on charter schools, along with the District Cabinet Members. Mr. Handley reported the Board of Trustees should look into the feasibility of a charter school and determine if it fits BCC's purpose or the purpose of Brevard County. Dr. Penn Williams reported the presentation was comprehensive. Dr. Penn Williams reported the presenter stated the charter school was an efficient and effective use of state dollars. Dr. Gamble reported one of the considerations that needs to be given to this issue is the relationship BCC has with the local school district, which is positive at this time. He reported this would be something to discuss at a joint meeting with the school board.

e. Fall 2001 Enrollments

Dr. Gamble reported the Fall enrollments are holding at 6.5 percent.

f. Bernard Simpkins Entrepreneurial Lecture Series

Dr. Gamble reported there was a very successful presentation of the first Simpkins Lecture Series on Entrepreneurship, which featured Mr. Truett Cathy, the Founder and Chairman of Chick-Fil-A, Inc.

11. CREEL V. BCC – MR. HAMENT:

This matter came on for final hearing before the Brevard Community College Board of Trustees sitting as Agency Head. Mr. Andy Hament, serving as the Legal Advisor to the Board, provided background information and direction to the Board. He advised the Board to consider the Findings of Fact and Recommended Order of the Hearing Officer in this case. Mr. Hament also advised the Board that it was the duty of the Board to rule on three (3) separate matters, to-wit:

- (1) A Motion for Continuance filed by the Attorney for Mr. Creel;
- (2) Exceptions to the Recommended Order filed in behalf of Mr. Creel by his Attorney; and
- (3) The Board should enter a Final Order in this cause.

Mr. Creel was represented by Attorney Patrick Roche, and the College Administration was represented by Mr. Jesse Hogg. Both attorneys addressed the pending motions and offered argument with respect to those motions, as well as the Findings of Fact and Recommended Order from the Hearing Officer.

1. On the issue of the Petitioner's Motion for Continuance:

Dr. Penn Williams moved approval to deny the Motion for Continuance. Mrs. Martinez seconded the motion. All those voting in favor of the motion – Handley, Johnson, McCotter, Martinez, and Penn Williams; opposed – none. Motion unanimously approved.

2. Upon the matter of the Exceptions filed in behalf of Creel by his attorney, after hearing brief presentations from the attorneys present, Mr. Hament suggested that the Board rule whether it wished to sustain or overrule any or all of the Exceptions:

Mr. Johnson moved approval to deny the Petitioner's Exceptions. Dr. Penn Williams seconded the motion. All those voting in favor of the motion – Handley, Johnson, McCotter, Martinez, and Penn Williams; opposed – none. Motion unanimously approved.

3. The Board took up consideration of the Recommended Order. The Board was advised by Mr. Hament that its obligation was to adopt, reject, or modify all or any portion of the Hearing Officer's Recommended Order:

Mr. Johnson moved approval of the Hearing Officer's Findings of Fact and Recommendations in its entirety without any changes or modifications. Mr. McCotter seconded the motion. All those voting in favor of the motion – Handley, Johnson, McCotter, Martinez, and Penn Williams; opposed – none. Motion unanimously approved.

12. LITIGATION SESSION:

Mrs. Martinez, Chair, called the Executive Session to order to discuss matters of pending litigation with the Board's attorneys. In attendance at the Executive Session were the Board members: Martinez, Handley, Johnson, McCotter, and Penn Williams. The meeting was transcribed verbatim by an official court reporter. Also present at the meeting were the college attorneys, Joe Matheny, Jesse Hogg, and Andy Hament, as well as Dr. Gamble. The meeting commenced at 5:30 p.m., in Room 231, Administration Building, at the Cocoa Campus. The Executive Session concluded at 6:30 p.m.

(The Board meeting reconvened.)

13. ADJOURNMENT:

There being no further business to come before the Board, the meeting adjourned at 6:32 p.m.

APPROVED: _____
Chair, District Board of Trustees

ATTESTED: _____
Secretary, District Board of Trustees