

**BREVARD COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
WORKSHOP**

August 9, 2004  
2:00 p.m.

King Center for the Performing Arts  
Room #168  
Melbourne Campus

**PRESENT:** Mr. James W. Handley, Chairman; Mr. C. R. “Rick” McCotter III;  
Mrs. Miriam E. Martinez; Mr. James Theriac; Mrs. Alberta K. Wilson;  
Mr. Joe D. Matheny, Attorney; Dr. Thomas E. Gamble, Secretary

**1. CALL TO ORDER:**

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

**2. GENERAL BOARD DISCUSSION:**

a. Welcome to Mr. James Theriac

Mr. Handley recognized Mr. Theriac and welcomed him as the newest Trustee.

b. Pledge of Allegiance

Mr. Handley suggested that in light of the current world circumstances that it might be appropriate to open each Board Meeting with the recitation of the “Pledge of Allegiance.” It was the consensus of the Board to begin each meeting with the “Pledge of Allegiance.”

c. Process for the President’s Evaluation

Mrs. Wilson recommended that the process of the President’s Evaluation be discussed at a future workshop. Mr. Handley stated that the Board recommended last year that metrics be applied to the evaluation process, but that was not done. He recommended that metrics be put in place at the beginning of this year’s cycle for measurement in next year’s evaluation process. Mrs. Martinez replied that it is her opinion that metrics are currently in place as the statement of goals and their completion are very measurable. She stated that it would be helpful to clarify these issues at a future workshop, however. Dr. Gamble requested that metrics be established and provided to him early in the year to provide time to focus on the stated goals. The Trustees suggested that this subject be the main topic of the September 20 Workshop, along with a brief Policy Governance review. Mr. Handley remarked that 4<sup>th</sup> Quarter Goals and Planned Maintenance System are currently scheduled to be discussed in the September Workshop. He stated that since 4<sup>th</sup> Quarter Goals directly relate to the metrics, that should not present a conflict. Dr. Gamble suggested that Planned Maintenance Discussion currently

scheduled for the September Workshop be moved to the Communications section of the September Board meeting.

Mrs. Martinez remarked that there is a Board process in place for the President's Evaluation and that it should remain until the Board formulates and approves a new process. She stated that this year's process varied from the procedure. She indicated that it was her opinion that the names of the people interviewed should be disclosed in order for targeted improvements to be accomplished. Mrs. Wilson stated from an ethics standpoint that anonymous comments should remain anonymous. Mrs. Wilson also recommended that the community contact list be thoroughly reviewed and appropriately edited. Dr. Gamble reported that earlier conversation indicated that the list would be derived through a discussion between the Board and the President. As an alternative, he suggested that the community survey process, which the college currently completes on alternate years, would be an appropriate source of information. If it were accomplished every year in conjunction with the evaluation cycle, it could become the comprehensive tool for feedback to the Board. Mr. Theriac remarked that it is his opinion that individuals are more honest and transparent if they know their comments will remain anonymous. Mrs. Martinez stated she understood the thinking if there were accusations of wrongdoing, but that feedback is contextual and it is difficult to make changes without being aware of the source. As a compromise, Mr. Theriac suggested that perhaps individuals' names could be protected, while disclosing the organization that they represent.

Mr. Handley stated he changed the procedure this year as he felt like last year's survey comments were not transparent. Mrs. Martinez stated that the Chairperson does not have authority to change the process without concurrence from the entire Board.

Mr. Matheny stated that he could gather data on the evaluation procedures used by other comparable colleges. It was agreed that the Workshop would provide clarification on this and other subjects, including the review of the community contact list, which Mrs. Wilson remarked was not currently indicative of the entire community.

Dr. Gamble summarized that the September Workshop will be primarily focused on the process of the President's Evaluation and identification of measurable factors, with a future workshop(s) to be scheduled for Board Self-Evaluation discussions.

d. Board Self-Evaluation

Mr. Handley suggested that future Workshop time be scheduled for the 2003-2004 Board Self-Evaluation review.

**3. PRESENTATION ON ETHICS:**

Mr. Handley introduced Mr. Tom Tedcastle, Director of the Office of House Bill Drafting of the Florida House of Representatives and General Counsel of the House, who provided an ethics presentation. Mr. Tedcastle stated that as an appointee to the Center for Ethics in Government, he learned that Florida does not have a code of ethics, but rather a code of regulations (Chapter 112, Part III of the Florida Statutes), which discuss ethics regulations for numerous state and local officials, including community colleges.

Mr. Tedcastle indicated that in the anti-nepotism statutes there is an exemption for School Boards and Universities, but not for Community Colleges. Therefore, to the extent that individuals participate in the determination of hiring of faculty, that individual cannot have relatives hired as college faculty, or otherwise employed by the college.

Mr. Tedcastle reported that a Board member/Administrator cannot accept compensation for "public service," nor can they solicit favors. Furthermore, to the extent that they approve contracts, a contractor is considered a "lobbyist" and therefore no gift valued over \$100 is allowed. This regulation includes partners or associates of the lobbyists if the monies are being paid from company funds. Compensation from personal funds would be acceptable, if not being directed to do so by their company to obtain favor. The determined value of a gift must be based on retail value of the item. In addition, a gift to a family member is considered to be a gift to a Board member/Administrator. Mr. Tedcastle reported there are a few exceptions, namely if the lobbyist is a relative, a Board member/Administrator may accept gifts. The definition of "relative" in this case is very broad to include immediate family, stepfamilies, individuals a Board member/Administrator is romantically involved with, etc. In addition, gifts from college employees are allowed; however, gifts over \$100 should be reported the following quarter. If a Board member/Administrator should accidentally receive a gift over \$100, they may pay the person for the gift value in excess of \$100, donate the item to charity, or return the item. Finally, a Board member/Administrator may not request a gift of any value from a lobbyist, including favors such as transportation assistance to a meeting, etc. However, if they initiate the offer, and it is valued under \$100, it may be accepted.

Mr. Tedcastle confirmed that officers, who hold another job, may accept compensation for that employment without it being considered a gift. In addition, it is acceptable to solicit funds on behalf of a charity.

Mr. Tedcastle reported that receiving "honoraria" for speeches made as a representative of the college or in the role of Trustee is not acceptable. However, reimbursement for reasonable travel, food and lodging expenses is allowed for the day preceding and following the presentation only. Lodging at someone's house is valued at \$29 per night, therefore three days is the limit. He further clarified that this applies when the paying entity is someone who wants to do business with the college. In addition, Trustees may not do business with the community college, i.e. renting property or providing services.

Mr. Tedcastle reported an individual may not use their position for personal gain. Therefore, it is inappropriate to use a college title or position when conducting personal business. This rule applies to all employees.

Mr. Tedcastle indicated as appointed officers, Trustees must file a memorandum of voting conflict **within** 15 days before a vote, while elected officers have up to 15 days after the vote to file the memorandum of conflict.

Mr. Tedcastle reported that the Ethics Commission is technically a part of the legislative branch of government, with appointments made jointly by the Governor, Speaker of House, and Senate President, with four members of one party and five of the other party. The Governor appoints five people (three of one party and two of the other); and the Speaker of the House and Senate President each appoint two individuals (one of each party). They give advisory opinions regarding violations, but it is a slow, expensive process. Mr. Tedcastle stated there is a penalty for frivolous claims; however, reality is that they are seldom collectable.

#### **4. POLICY GOVERNANCE**

Mrs. Martinez reported she has reviewed Section 100 of the Policy Governance draft and made suggested changes, as distributed. She requested clarification of the degree requirements stated on page six, in which it refers to a requirement to “complete at least 25 percent of credit semesters at Brevard Community College.” She inquired if this was an arbitrary amount, which translates to one semester, or if it is required by the State. Dr. Gamble stated that he would check to see if there is a Board of Education rule necessitating this credit requirement. He said in the past, colleges wanted to guarantee ongoing enrollment by an individual; however, in view of current trends such as distance learning and transient populations it could be a benefit if this were not a requirement. Dr. Astrab indicated that it may relate to financial aid requirements. Dr. Gamble will research and report to the Board.

Mrs. Martinez also questioned the statements on page seven of the draft which refers to “the student being required to complete the last semester in residence unless granted ‘transient’ student status” as well as page eight which refers to “completing the last six vocational credit hours through BCC unless the student has been granted ‘transient’ student status” in light of virtual college students. Dr. Gamble agreed that he will also research this and report to the Board.

Mrs. Martinez requested assistance from the staff in defining each of the fees noted on page ten. Dr. Gamble indicated that he would ensure assistance with this request.

Mrs. Martinez requested concurrence that the wording of College Budgets, Section 100.07 on page 12, which reads “...District President, or designee, shall have the authority to move budgets among departments” is appropriate. Following discussion, it was agreed that after Trustees’ approval of the budget, the President or designee has the authority to move funds as deemed appropriate.

It was requested that Mrs. Martinez change the term from “District President” to “President” throughout the document.

It was the consensus of the Board that Strategic Goals, Section 100.06 will be moved to Section 300.1 of the policy manual.

It was also the consensus of the Board that the Ends Policies Section 100.00, which defines for whom the college provides services and at what cost, will be finalized upon Dr. Gamble’s clarification of the aforementioned inquires. Upon completion, Mrs. Martinez agreed to begin the review and edit of Section 200. Mr. Matheny confirmed that all of the required statutes have already been identified for Section 200.

As this was Mr. Theriac’s first meeting, Mrs. Martinez provided a quick explanation of the purpose of each section of the Policy Governance Manual.

5. **FIRST TEE:**

Mr. McCotter stated that as the college has a history of initiating partnerships, he reported that there is an organization known as “First Tee”, a non-profit organization, which organizes youth and teaches them good life-skill values, using golf as their platform. Due to the success with the YMCA partnership, Mr. McCotter inquired if the Board would be interested in his exploration of a BCC-YMCA-First Tee partnership for local youth. Dr. Gamble stated that the Summer Youth Golf Program currently directed by Mr. Don Williams would be a good template for expansion to a year-round program. Dr. Gamble offered to organize a meeting between the YMCA, Dr. Fettrow, Mr. Williams and himself to discuss the concept. Mr. McCotter stated that as the First Tee has an established program he would like to initiate discussions with them, and the Board concurred.

As a golf course would be required, Dr. Fettrow said that Rockledge Country Club might be an option as the college has partnered with them with other efforts.

6. **FUTURE PALM BAY CAMPUS DEVELOPMENT PROPOSALS:**

Dr. Gamble reported that several entities have expressed interest in future Palm Bay partnership activities. The YMCA has expressed an interest in operating a family YMCA facility adjacent to the municipal pool on the Palm Bay Campus. In addition, Health First has expressed interest in establishing a HealthPlex facility on the campus. The preliminary discussions indicated that if we would allow the establishment of this facility, they would consider underwriting the cost of a new ADN nursing program in Palm Bay. As this facility would require the addition of five full-time masters-degreed nurses, which is quite costly, the commitment of financial underwriting would be very beneficial. Dr. Gamble advised that as the medical facilities are expanding, there appears to be sufficient occupancy to allow Board of Nursing approval of this expansion. In addition, clinical experiences are being expanded to include evening and weekend hours to facilitate student

needs. Finally, Dr. Gamble confirmed that the nursing program backlog will decrease due to an admission test, which will be administered prior to acceptance. This has been successfully done at Valencia College for the past five years. Dr. Ake confirmed that testing allows the program to channel students to careers that meet their capabilities and thus reduces the backlog. She also confirmed that there is no negative effect apparent for minority applicants. Dr. Gamble reported that there is not a need for an urgent decision, however, he wanted to make the Board aware and advise him of their thoughts on the subject.

Dr. Gamble also reported that Palm Bay is hoping to establish a Charter School district, which has not yet been done in Brevard County. They plan to apply for the Elementary-Middle School immediately, with the projected location approximately 1.5 miles south of the Palm Bay Campus on San Filippo. In addition, Palm Bay has discussed their desire to locate the Charter High School, with approximately 1200-1400 students, on the Palm Bay Campus, with construction to begin in 2006 for a Fall 2007 opening. Dr. Gamble indicated that his initial response was positive, however, there appears to be some resistance to the idea by the School Board. Dr. Gamble advised Dr. Purga to delay action until he is able to communicate further with Dr. DiPatri.

Dr. Gamble further reported that in addition a plot of land has been on hold for an outdoor amphitheater for sometime, with the extension of offer to expire next year. The City of Palm Bay has now proposed the establishment of a Fairground for this land rather than the amphitheater. In addition, the Port is considering the development of an amphitheater at Port Canaveral. Mr. Matheny reported that the Palm Bay Chamber of Commerce, through a private developer, has offered to purchase the 17 acres which the college owns adjacent to the Palm Bay Campus at a cost below appraisal value. This sale is related to the Visitor's Center, which the Board has agreed to have built on the Palm Bay Campus. As the value of this land continues to appreciate, the Board should closely consider all of the proposals and determine the best use.

Dr. Gamble reported the community college presidents recently met with UCF President, Dr. Hitt and his staff, to discuss their desire to expand the 2+2 program.

**7. COCOA MUSEUM:**

Dr. Gamble reported that the Cocoa Museum is experiencing serious financial problems. The property owned by the City of Cocoa, was leased to Brevard County for 99 years, who in turn has sublet it to the Museum Corporation under a Trust. As a result, they are interested in exploring a relationship with the college. Dr. Gamble will have discussions with Tom Jenkins, County Manager, regarding the character and status of the land, in addition to discovering the restrictions involved in the 99-year covenant. Dr. Gamble is interested in determining if the County would be willing to assist the college with obtaining the building with the basic repairs already completed. If this was possible and

the building is not restricted to museum use, it would be useful for the college to use the building as a childcare facility. Mr. Matheny indicated that the 26 acres that wrap around Clearlake may have future potential for the college. However, this would require assurances from the St. John River Water Management District regarding college access to the property. Mr. Handley suggested that incorporating museum exhibits into the Planetarium would be a possibility.

**8. ADJOURNMENT:**

The workshop adjourned at 3:55 p.m.

**APPROVED:** \_\_\_\_\_  
**Chairman, District Board of Trustees**

**ATTESTED:** \_\_\_\_\_  
**Secretary, District Board of Trustees**