

**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, Finance and Administrative Services, reported that Lowe'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)

Mr. Al Little, Vice President, Finance and Administrative Services, reported that the sale of the 17-acre parcel to Palm Bay Academy property closed in October and confirmed receipt of the \$1.1 million purchase price. He reported the \$1.1 million was deposited in the Unexpended Plant Fund Account, to be used on maintenance, renovations and upgrading of facilities. Mr. Little reported on the capital improvement planning process and other factors which determine the prioritization of projects in relation to funds available.

It was the consensus of the Board that the \$1.1 million proceeds should be expended in areas to directly enhance student success benchmark objectives. Mr. McCotter proposed these proceeds be kept separate from existing capital improvement monies pending Dr. Drake's inquires for input by Provosts and Cabinet, for emergencies and areas of need, perhaps in the area of technology. The Board concurred.

Discussion ensued regarding the possibility of fundraising efforts by the Foundation to offset capital improvement needs that exceed state funding.

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.

8. NEW BUSINESS:

a. Personnel Actions (Addendum)

The Personnel Actions were presented to the Board for information only; no action is required.

b. Request for Future Board Meeting/Workshop Agenda Items

A follow-up report was requested on textbook issues to include various cost-control measures such as computer downloads and information regarding the consortium formed on the West Coast as presented at the recent ACCT meeting. In addition, future reports on the subjects of academic freedom and the SACS reaffirmation process, among others, were requested.

9. FINANCIAL ACTIONS:

a. Approval of DSO Financial Reports for Year Ended June 30, 2006 (Addendum)

Mr. Mark Cherry, Associate Vice President, Financial Services, reported annual audit reports and IRS tax returns for all Direct Support Organizations (DSO's) were distributed in accordance with Florida statute. All DSO's had clean audit opinions.

Mr. Cherry pointed out the 2006 financial statements for the Foundation are now prepared in governmental format rather than not-for-profit as done in the past. Net assets for the Foundation increased approximately \$1.3 million due to positive market and investment earnings and contributions.

Mr. Cherry reported the Cocoa Village Playhouse (CVP) and the King Center (KCPA) utilize the not-for-profit format for financial statements. Net assets for the CVP increased \$456,000 this year, primarily due to contributions to the Capital Campaign. The King Center had net income of more than \$184,000 this year and approximately \$284,000 in net assets for the year.

Mr. Cherry reported he serves on the Investment Committee for both the Foundation and the King Center and analyzes investment performances for both funds in comparison with each other and peer institutions.

Mr. McCotter moved approval of the DSO Financial Reports for Year Ended June 30, 2006. Mrs. Wilson seconded the motion. All those voting in favor of the motion – McCotter, Wilson, Handley, Theriac, and Tsamoutales; opposed - none. Motion unanimously approved.

10. REPORT OF THE PRESIDENT:

Dr. Drake reported that recent meetings of the Association of Community College Trustees (ACCT), Florida Association of Community Colleges (FACC) and Council of Presidents (COP) were well represented by the College. Mr. Handley and Mrs. Wilson reported they participated in meetings which were very productive; materials will be shared in the future.

Dr. Drake reported favorable impressions during informal meetings with faculty, staff and students; a written summary will be provided in the coming week.

11. COMMITTEE REPORTS

a. Architect Selection:

No report.

b. Alumni Association:

Mrs. Wilson reported she will meet with Mr. Beagley to form conclusions on the feasibility of reforming the Alumni Committee and she deferred to Mr. Beagley to report. Mr. Beagley reported it was the consensus of Foundation Executive Directors at a recent meeting that Alumni Associations at Community Colleges are not cost effective, but serve mainly as a source of goodwill. Research shows that the necessary resources to manage an Alumni Association exceed donations as loyalty and contributions typically are to the individual's four-year institution of higher learning. Mr. Beagley reported the Alumni database is being maintained pending the final decision.

Mrs. Tsamoutales reported the recent Association of Community College Trustees (ACCT) seminar by Datatel provided information regarding Alumni Association fundraising techniques to improve profitability by simplifying the process using on-line maintenance by alumni themselves. She will share materials and notes from the meeting with Mrs. Wilson and Mr. Beagley.

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:

No report.

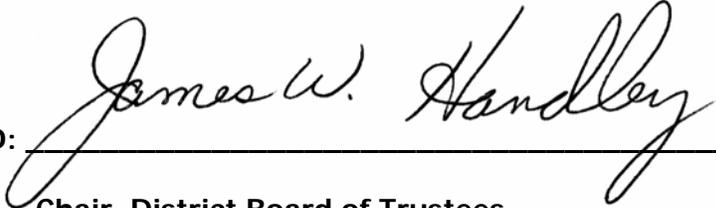
f. Planetarium:

No report.

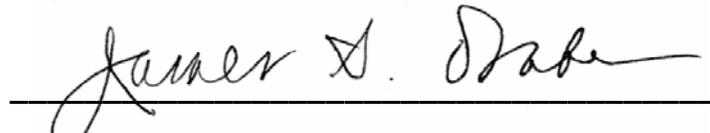
12. ADJOURNMENT:

There being no further business to come before the Board, the meeting adjourned at 5:15 p.m.

APPROVED: _____


Chair, District Board of Trustees

ATTESTED: _____


Secretary, District Board of Trustees