

**BREVARD COMMUNITY COLLEGE
BOARD OF TRUSTEES
MEETING**

December 18, 2006
5:05 p.m.

Building #10, Room #210
Melbourne Campus

PRESENT: Mr. James W. Handley, Chairman; Mr. C. R. "Rick" McCotter III, Vice Chairman;
Mr. James Theriac (via telephone); Mrs. Kimberly Tsamoutales;
Ms. Alberta Wilson (via telephone); Dr. James A. Drake, Secretary;
Mr. Philip Nohrr, Attorney

1. CALL TO ORDER:

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

a. Pledge of Allegiance

Mr. McCotter opened the meeting with the recitation of the "Pledge of Allegiance."

b. Additions/Corrections to Agenda

Dr. Drake requested Item 6.c. "Guaranteed Maximum Price – Boiler Replacements, Cocoa, Building #17" be added to the agenda for action.

2. CONSENT AGENDA:

Mr. Handley recommended approval of the consent agenda items:

Mr. McCotter moved approval of the consent
agenda items. Mrs. Tsamoutales seconded the motion.
All those voting in favor of the motion – McCotter,
Tsamoutales, Handley, Theriac, and Wilson; opposed – none.
Motion unanimously approved.

3. APPROVAL OF OFFICIAL MINUTES OF PREVIOUS MEETINGS:

a. Minutes – Board of Trustees Retreat/Workshop – November 6, 2006

Approved – consent agenda.

b. Minutes – Board of Trustees Meeting – November 6, 2006

Approved – consent agenda.

4. **COMMUNICATIONS:**

None.

5. **CITIZEN'S PRESENTATION:**

None.

6. **CONSTRUCTION AND DEVELOPMENT:**

a. Approval of Continuing Service Architects (Addendum)

Mr. Al Little, Vice President, Financial and Administrative Affairs, reported that continuing services architect contracts were approved and negotiated for the College several years ago. The Administration has been pleased with the outcome, but felt it would be beneficial to re-advertise for the consideration of the Architect Selection Committee. Seven firms responded to the advertisement and the committee identified the following three firms as finalists: (1) Florida Architects; (2) BRPH; and, (3) Carter Burgess. As all three firms are capable and willing to serve in a continuing service role for the College, and there is sufficient work to distribute to all, it was recommended the Board authorize the Administration to negotiate with all three firms to provide continuing services. Mr. Little reported assignment for each project will be based on the firm's expertise, schedule and hourly rate.

Mrs. Wilson moved approval of Continuing Service Architects. Mr. Theriac seconded the motion. All those voting in favor of the motion – Wilson, Theriac, Handley, McCotter, and Tsamoutales; opposed – none. Motion unanimously approved.

b. Update on the Cocoa Village Playhouse Construction (Addendum)

Mr. Al Little, Vice President, Finance and Administrative Services, reported the Cocoa Village Playhouse (CVP) has been planning on an annex addition for several years. He reported on the historical developments of the annex addition. Mr. Little further reported that the architects, A.D. Morgan, are expected to provide a guaranteed maximum price (GMP) in January, at which time construction plans will be determined. Mr. Little reported that currently no college funds have been allocated to this project.

Dr. Brenda Fettrow, Vice President, Student Services, reported on the current status of the Cocoa Village Playhouse Capital Campaign. She stated that action is being taken to: (1) expedite the receipt of pledged funds, which have not yet been paid; (2) solicit additional year-end donations prior to the January 31, 2007 matching deadline; (3) contact potential donors identified, including those identified by Mr. Beagley, Executive Director, Foundation; Ms. Hawkins-Smith, Executive Director, Cocoa Village Playhouse; and (4) meet with Dr. King soliciting advice and assistance with identifying additional potential donors in the community; (5) devise a timeline to facilitate maximum donations prior to the January 31 matching deadline; and, (6) receipt of \$150,000 contribution from CVP unrestricted funds, as approved by the CVP Board, prior to the January 31 matching deadline. Dr. Fettrow reported that the expectation is that the GMP will be higher than the original estimate. If that is the case, decisions will need to be made regarding plans to proceed with building, including the possibility of revising plans and/or completing the project in phases.

It was the consensus of the Board that construction start, as soon as possible, in order to gain the confidence of the community thereby encouraging future donations.

Mr. Little reported that upon receipt of the GMP, recommendations will be made to the Board regarding plans to proceed, based on funds available. He further reported that if the GMP exceeds the original expectations, a meeting will be arranged with the architects, construction manager, and CVP and College representatives to discuss value engineering options.

Mr. Little reported that matching funds can only be requested once from the state, with a cut-off date being January 31 of each year. Therefore, the options are to request the matching funds for whatever has been raised as of January 31, 2007, or wait an entire year and submit the request in 2008.

Ms. Staci Hawkins-Smith, Executive Director, Cocoa Village Playhouse, reported a fundraiser is planned for April 13, 2007, which is expected to net \$70,000-\$80,000. Mr. Handley reported the Board will review the subject with complete data provided at the January Board meeting.

c. Approval of Guaranteed Maximum Price – Boiler Replacements, Cocoa, Building #17 (Addendum)

Mr. Little, Vice President, Finance and Administrative Services, reported that a boiler replacement project for the Cocoa Campus, Building #17, was included as part of the 2006-07 capital outlay budget. The College is using H. J. High for the project

under the continuing services contract. The guaranteed maximum price (GMA) for the project is \$490,000. Board approval of the GMA is requested so that the work can proceed during the Winter Holiday.

Mr. McCotter moved approval of Guaranteed Maximum Price – Boiler Replacements, Cocoa, Building #17.

Mrs. Tsamoutales seconded the motion. All those voting in favor of the motion – McCotter, Tsamoutales, Handley, Theriac, and Wilson; opposed – none. Motion unanimously approved.

7. OLD BUSINESS:

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

Mr. Nohrr reported the transition from Mr. Matheny to Gray Robinson is going smoothly with a spirit of cooperation. A written report was provided on pending legal actions.

Dr. Drake reported Gray Robinson provided an opinion regarding the applicability of the Florida Sunshine Laws in regard to direct support organization (DSO) boards. The detailed opinion is available for Board review. Mr. Nohrr reported all DSOs as well as their Committees (unless purely a fact-finding committee) are subject to the Florida Sunshine Law. Action is being taken to ensure that all DSOs are provided a copy of the opinion and to ensure compliance.

(1) Approval of Lowe's Site Plan Approval to June 30, 2007 (Addendum)

Mr. Handley reported the Lowe's attorney has requested an extension of the tri-party agreement with Lowe's site plan approval to June 30, 2007, due to delays. The Board concurred.

Mr. Theriac moved approval of extension of the Lowe's Site Plan Approval to June 30, 2007.

Mrs. Tsamoutales seconded the motion. All those voting in favor of the motion – Theriac, Tsamoutales, Handley, McCotter, and Wilson; opposed – none. Motion unanimously approved.

b. Approval of Legal Services Action – Mr. Theriac/Dr. Drake

Dr. Drake reported he and Mr. Theriac have explored the various options regarding future legal services. He provided opinions and estimated costs for: 1) in-house counsel; 2) outside counsel with in-house paralegal serving as liaison; or 3) external counsel only.

Mr. Theriac reported the in-house counsel option is too costly. Dr. Drake reported Mr. Bill Mullowney, Vice President, Policy and General Counsel, Valencia Community College, informally suggested that it may be prudent to delay a decision to employ in-house counsel or continue to retain external counsel until a permanent President of the College has been appointed. Mr. Theriac recommended continuing the current arrangement with Gray Robinson while soliciting Requests for Proposals (RFP) from private firms in the area for consideration. It was the consensus of the Board to immediately pursue the solicitation of the RFP responses. Mr. Nohrr confirmed Gray Robinson's willingness to continue to provide legal counsel as long as needed.

Mrs. Wilson moved approval to proceed with preparing a Request for Proposal for outside counsel with Dr. Drake and Mr. Theriac to oversee the process. Mrs. Tsamoutales seconded the motion. All those voting in favor of the motion – Wilson, Tsamoutales, Handley, McCotter, and Theriac; opposed – none. Motion unanimously approved.

c. Approval of the Proposed Strategic Initiatives for 2007-08 – Dr. Drake

Presentation and discussion deferred to the January 22, 2007, meeting at the Board's request.

d. Presidential Search Discussion

Mr. Handley reported Dr. Drake has recently petitioned the Board to amend his contract to allow his application for consideration in the Presidential Search process. Discussion ensued.

Mrs. Wilson moved approval of amendment to delete paragraph 6 of Dr. Drake's contract as Interim President to allow his application and consideration in the Presidential Search process. Mr. McCotter seconded the motion for discussion.

Mr. McCotter expressed a concern that Dr. Drake could be given an unfair advantage, because they see him doing a fine job as Interim President. As a result, he requested the Board consider: 1) discontinuing the search process and offering the permanent Presidency position to Dr. Drake, or 2) request Dr. Drake step down as Interim President at this time, and submit application for consideration along with other candidates. Discussion confirmed the majority recommended

amendment of the contract to allow Dr. Drake's application and consideration for the Presidency.

All those voting in favor of the motion – Wilson, Handley, Tsamoutales, and Theriac; opposed – McCotter. Motion passed 4-1.

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

Mrs. Wilson requested a presentation on the Minority Access Report and Award be scheduled for a future meeting.

(Mr. Theriac left the meeting.)

9. FINANCIAL ACTIONS:

a. Approval of the November Monthly Summary of Income and Expenditures (Addendum)

Approved – consent agenda.

b. Approval of Revisions to the College Fee Schedule

Approved – consent agenda.

c. Approval of 2006-2007 Operating Budget Amendment

Approved – consent agenda.

10. REPORT OF THE PRESIDENT:

Dr. Drake reported the Florida Association of Community Colleges (FACC) and Council of Presidents (COP) has requested Presidents and Trustees make legislative calls regarding legislative priorities during the budget cycle. He reported to-date Mr. Handley, Mr. Ross and he have visited Representatives Poppell and Altman who were supportive of suggestions regarding the University of Central Florida Consortium request for \$5 million in recurring funds and the importance of dual enrollment, as well as other items. Dr. Drake stated Representative Altman's support is especially pertinent as he has been appointed as Chair of the Educational Innovations Committee and will have an impact on funding of

educational initiatives. Representative Altman has suggested weekly meetings to provide input for educational priorities.

11. COMMITTEE REPORTS

No reports were given.

12. ADJOURNMENT:

There being no further business to come before the Board, the meeting adjourned at 6:50 p.m.

APPROVED: James W. Handley
Chair, District Board of Trustees

ATTESTED: James A. Dade
Secretary, District Board of Trustees