

**BREVARD COMMUNITY COLLEGE
BOARD OF TRUSTEES MEETING**

November 26, 2007
2:35 p.m.

Live Oak Center, Ferrell Commons
Live Oak Room
University of Central Florida

PRESENT: Mr. James Theriac, Chair; Mr. C. R. "Rick" McCotter III; Mrs. Dixie Sansom;
Mr. James Richey; Mrs. Alberta Wilson, Dr. James A. Drake, Secretary; Mr. Philip Nohrr,
Attorney.

I. CALL TO ORDER:

Mr. James Theriac, Chair, called the meeting to order at 2:35 p.m.

A. Pledge of Allegiance

Mr. Theriac opened the meeting with the recitation of the Pledge of Allegiance.

B. Additions/Corrections to Agenda

There were no additions or corrections to the agenda noted for the record.

II. APPROVAL OF OFFICIAL MINUTES OF PREVIOUS MEETING:

A. Minutes – Board of Trustees Meeting – October 15, 2007 (Addendum)

Mrs. Wilson moved approval of the minutes of the Board of Trustees meeting held October 15, 2007. Mr. McCotter seconded the motion. All those voting in favor of the motion: McCotter, Richey, Sansom, Theriac, Wilson; opposed: none. Motion unanimously approved.

III. PRESENTATIONS:

None.

IV. CONSENT AGENDA:

- A. Report on Personnel Actions (Addendum)
- B. Approval of Monthly Summary of Income and Expenditures (Addendum)
- C. Tuition Fee Increase (Addendum)
- D. Student Fee Decrease for Emergency Medical Technician course (EMSC 1119) (Addendum)

Mr. McCotter moved approval of the consent agenda items. Ms. Sansom seconded the motion. All those voting in favor of the motion: McCotter, Richey, Sansom, Theriac, Wilson; opposed: none. Motion unanimously approved.

V. PUBLIC COMMENTS:

There were no public comments.

VI. CONSTRUCTION AND DEVELOPMENT:

- A. Continuing A/E Design Consultant Services Agreement (BRPH Architects and Engineers (Addendum)
- B. Continuing A/E Design Consultant Services Agreement (Florida Architects (Addendum)
- C. Construction Management Agreement for HVAC, Phase III (A. D. Morgan (Addendum)
- D. Bernard Simpkins Fine Arts Center (Renovation Guaranteed Maximum Price) (HJ High) (Addendum)

Mr. Billings summarized the items submitted for approval.

Mrs. Sansom moved approval of the construction and development items.

In response to an inquiry from Mr. McCotter, Mr. Billings noted that renovations for the Bernard Simpkins Fine Arts Center will begin in January 2008, and are expected to be complete for the spring term 2009. The cost for the project is \$600,000 below the projected budgeted amount, and is funded through PECO. Mr. Billings further discussed that the construction management firm for the project, HJ High, was approved by the Board in January 2007. The project was put on hold for an in-depth analysis and review, and the projected cost was subsequently increased. The guaranteed maximum price for the project is being submitted to the Board for approval at the current meeting.

In response to an inquiry from Mr. McCotter, Mr. Nohrr recommended that approval of the construction and development items may be made either separately or as a group. Mrs. Sansom modified the motion for approval.

Mrs. Sansom moved approval of construction and development items A, B, C, and D. Mr. McCotter seconded the motion. All those voting in favor of the motion: McCotter, Richey, Sansom, Theriac, Wilson; opposed: none. Motion unanimously approved.

VII. OLD BUSINESS:

- A. Report on Pending Legal Actions (Addendum)

Mr. Nohrr reported no significant changes to pending legal actions.

Mr. Nohrr distributed a Memorandum of Understanding (MOU) regarding the Chain of Lakes project, and noted that Commissioner Scarborough suggested that an MOU be developed to demonstrate the Board's interest in the continued development of the Chain of Lakes project. The MOU includes the understanding that the College is not responsible for the funding of the project; that any decisions made with regard to the project must be finalized by the College Board, and; any development would be subservient to the needs of the College. The purpose of the MOU is to provide an expression of the Board's interest in the progress of the Chain of Lakes project before the County expends money. Mr. Nohrr assured the Board that the MOU does not imply a legal obligation for the College to go forward with the project.

Mr. Richey moved that the Memorandum of Understanding be approved by the Board of Trustees. Mrs. Wilson seconded the motion.

Mr. McCotter inquired if additional manpower from the College will be required with regard to security for the Chain of Lakes project. Mr. Billings responded that the College is preparing a detailed security plan, which includes technology-driven elements. A great deal of the plan will address the relationship among the jurisdictions involved in providing security for the Chain of Lakes project – Brevard County, the City of Titusville, St. John’s Water Management District, BCC, and Jess Parrish Hospital. A requirement for additional manpower and/or funding for security from BCC is not anticipated.

Mr. Nohrr clarified that the MOU does not obligate the College to spend any money, and discussed that any economic burden incurred by the College in support of the Chain of Lakes project would be brought to the Board for approval.

All those voting in favor of the motion: McCotter, Richey, Sansom, Theriac, Wilson; opposed: none. Motion unanimously approved.

VIII. NEW BUSINESS:

A. Request for Future Board Meeting Presentations or Agenda Items

Mrs. Wilson suggested that an update on the current status and plans for the Moore Multicultural Center be included on a future Board meeting agenda.

IX. FINANCIAL ACTIONS:

None.

X. REPORT OF THE PRESIDENT:

A. Donovan Management, Inc. (DMI)

Dr. Drake reported that the College has received a preliminary report from Donovan Management, Inc., the fundraising consultants contracted to do an assessment of the BCC Foundation. Dr. Drake, Vice President Ross, Mr. Nohrr, Attorney, and DMI will review the report. The final draft is expected within one week. Dr. Drake suggested that it may be appropriate to circulate the final draft of the report to the Board of Trustees and the Foundation Board of Governors concurrently, since the firm was commissioned at his request and with the approval and support of the Foundation Board. In response to an inquiry from Mr. Richey, Dr. Drake indicated that there is no precedent for a process to be followed in this regard, as there have been no similar assessments in the past. Dr. Drake added that the report is very positive, and does include recommended changes to the way the Foundation does business. It was agreed that the Board of Trustees will review the final draft before it is provided to the Foundation Board.

B. College Lobbyist

Dr. Drake reported that the College, specifically WBCC, has retained a federal lobbyist for the last several years. The company currently on retainer is The Pauley Group. In response to a recent inquiry from a Board member, it was determined that The Pauley Group did not secure any funds for the College during the last congressional session. Mr. Ross further discussed that when Dr. Drake appointed him as Vice President over WBCC on July 1, 2007, he was asked to review every aspect of the station to determine the effectiveness of its operations. The performance of The Pauley Group was

subsequently found to be less than optimal; no funds have been acquired for the College through the group for two fiscal years. Mr. Ross reported that in recent communications with Mr. Pauley regarding this matter, Mr. Pauley indicated that the group does not expect to be able to acquire funds for the College during the upcoming session, but does feel confident about securing funds for the future. Mr. Pauley attributed the lack of success over the last year to the transition in leadership then occurring at the College. Mr. Ross, with Dr. Drake's concurrence, suggested that it would be prudent for the College to explore the possibility of renegotiating the terms of the contract with The Pauley Group. In response to any inquiry from Mr. Richey, Dr. Drake added that Mr. Pauley's contract expires on June 30, 2008.

Board members agreed to defer to the College leadership to determine if a federal lobbyist is needed, and agreed that Mr. Nohrr should determine the feasibility and/or cost of modifying the current contract with The Pauley Group.

C. College Underwriter

Dr. Drake reported on an inquiry he and Mr. Ross made to Mr. John Rebhann, Senior State Auditor, with regard to underwriting activities at WBCC, which have been taking place for approximately the last four years. The College employs an underwriter at WBCC to raise money from local businesses and organizations by contracting with WBCC for the design and airing of promotional spots on the WBCC channel. Mr. Cherry confirmed that revenue for underwriting activities goes to a specific account within the College.

According to the informal opinion of the State Auditor, any fees associated with underwriting must be approved by the Board of Trustees. Dr. Drake reported that the College appears to be out of compliance in these related areas: (1) whether underwriting was reviewed and approved by the Board of Trustees; (2) whether an underwriter was to be employed by the College; (3) whether the fee structure for underwriting was reviewed and approved by the Board of Trustees; and (4) whether the fees charged by WBCC for the use of its studio resources by outside organizations, although posted on the WBCC website for a number of years, were reviewed and approved by the Board of Trustees.

Guidance was subsequently requested from the College's General Counsel. Mr. Nohrr reported that after an initial review, it appears that additional fact-gathering is required. Mr. Nohrr expects to provide a report on the findings at the next Board meeting.

Ms. Sansom inquired how many community colleges in Florida have a television station, and of those how many are PBS or educational. Dr. Drake responded that a number of the larger community colleges in the Florida system have television stations, the majority of which are PBS-affiliated. Not all of these stations engage in underwriting, however, and some have reportedly discontinued doing so.

Mrs. Wilson requested a workshop on the matter to better understand it. Mr. Theriac agreed, especially since the Board will be required to take action.

Mr. Richey expressed that the Board should review the format, and also narrow down the timeframe for action if the College is currently out of compliance. Mr. Nohrr confirmed that a report will be ready for the Board's review at the January Board meeting.

In the meantime, the underwriting activities and related production work at WBCC have been suspended, pending the results of the investigation.

In response to a question from Mrs. Sansom, Mr. Cherry stated that the College does not receive a direct appropriation for WBCC, but rather that funding for the station is included in the state funding formula.

XI. MISCELLANEOUS

A. December Board Meeting

Mr. Theriac confirmed there is no Board meeting scheduled in December.

B. UCF Support

Mrs. Sansom inquired what plans UCF may have for enhancing the facilities and staff and faculty in Brevard County. Dr. Young provided a brief overview of the activities and support that UCF provides to Brevard County, and suggested that this issue may be addressed in more detail in the spring. Currently, there are over 50 full-time UCF faculty members teaching at the joint-use campuses in Palm Bay and Cocoa. The UCF strategic plan includes a goal to increase enrollments at each of the campuses by an average of 15%. Dr. Young serves on the Education and Economic Development (EED) committee of the Economic Development Commission (EDC), which Dr. Drake chairs. As the representatives of BCC and UCF on this important committee, Dr. Drake and Dr. Young are working with the Brevard County School District and the Brevard Workforce Development Board to determine which programs are most appropriate for the economic development of the area. Additionally, UCF and BCC are also working together to expand local access to nursing and teacher-education programs to address these and other critical-need professions in Brevard County.

Dr. Drake noted that the BCC Board requested a separate presentation on the issue of baccalaureate versus 2+2 programs. Dr. Drake reiterated that Dr. Young and/or other UCF representatives will be included in the presentation to the BCC Board.

In response to an additional inquiry from Mrs. Sansom, Dr. Young affirmed that the UCF Board of Trustees is very familiar with the activities and the value of the joint-use branch campuses in Brevard County. Dr. Young offered to provide more detailed information at a future meeting regarding UCF's commitment to Brevard County.

XII. ADJOURNMENT

Mr. Theriac thanked Dr. Young for hosting the meeting at UCF and expressed his gratitude for lunch and the tour. There being no further business to be brought before the Board, the meeting adjourned at 3:30 p.m.

APPROVED:


Chair, District Board of Trustees

ATTESTED:


Secretary, District Board of Trustees