

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES  
OF THE COMMUNITY COLLEGE DISTRICT OF THE COUNTY OF MACOMB

A regular meeting of the Board of Trustees of the Community College District of the County of Macomb was held Tuesday, May 21, 2013 at 7:30 p.m., in Room K324 of the John Lewis Student Community Center, South Campus, 14500 Twelve Mile Road, Warren, Michigan.

1.0 CALL TO ORDER

The meeting was called to order by Chairperson Kelly at 7:47 p.m. Trustee Bonkowski was appointed Acting Secretary.

2.0 ROLL CALL

Present: James F. Kelly, Chairperson  
Christine Bonkowski, Vice Chairperson  
Roseanne DiMaria, Treasurer  
Nancy Falcone, Trustee  
Joseph DeSantis, Trustee  
Frank Cusumano, Trustee

Absent: Connie Bolanowski, Secretary (excused)

Also present: James Jacobs, President  
Patricia Martz, Secretary to the President  
Hunter L. Wendt, General Counsel

3.0 APPROVAL OF AGENDA

MOTION by Falcone, supported by DiMaria, to approve the agenda as presented.

Motion carried.

4.0 APPROVAL OF MINUTES

4.1 Information Session, April 16, 2013

4.2 Executive Session, April 16, 2013

4.3 Regular Meeting, April 16, 2013

MOTION by Bonkowski, supported by DiMaria, to approve the minutes of the April 16, 2013 Information Session, Executive Session and Regular Meeting, as read.

Discussion: Trustee Cusumano moved to amend page 3 of the April 16, 2013 Executive Session minutes to state that he did reply to Trustee DiMaria's comment and stated his reasons for not wanting to go into executive session. Trustee Falcone commented that she believes that the minutes read accurately. Trustee Cusumano's motion was supported by Trustee DeSantis.

4.0 APPROVAL OF MINUTES (Continued)

Chairperson Kelly asked who was in favor of Trustee Cusumano's motion to amend the minutes of the Executive Session, supported by DeSantis.

Ayes: Cusumano, DeSantis  
Nays: Bonkowski, DiMaria, Falcone, Kelly  
Absent: Bolanowski

Motion failed.

Chairperson Kelly asked who was in favor of Trustee Bonkowski's motion to approve the minutes of the April 16, 2013 Information Session, Executive Session and Regular Meeting as read, supported by Trustee DiMaria.

Ayes: Bonkowski, DiMaria, Falcone, Kelly  
Nays: Cusumano, DeSantis  
Absent: Bolanowski

Motion carried.

5.0 BOARD OF TRUSTEES REPORTS/PROPOSALS

5.1 There were no reports by the Board of Trustees

5.2 Motion to Rescind March 19, 2013 Board Approval of Tentative Collective Bargaining Agreements with Macomb Community College Association of Administrative Personnel/ UAW; AFSCME 2472.16; Macomb Community College Faculty Organization; and Association of Adjunct Faculty of Macomb Community College

Trustee Cusumano stated that he provided the Board copies of his motion via email. He claimed that the Bylaws of the Board of Trustees were not followed as per Statute. He claimed that the college website establishes that collective bargaining agreements are Board policy and require, per the bylaws, two readings/votes. He also stated that Bylaw 1.3-3 states "When there shall be any question concerning procedure not addressed by the bylaws, the current edition of Robert's Rules of Order shall govern in those cases" and that the Board action failed to comply with Robert Rules of Order regarding written notice.

Trustee Cusumano concluded by stating that he is moving that the Board Rescind, Repeal and/or Annul their vote of March 19, 2013 for the reasons set forth in his motion.

Due to lack of support, the motion failed.

6.0 PRESIDENT'S REPORTS

None

7.0 FINANCIAL REPORTS

7.1 Financial Statements – April 30, 2013

MOTION by DiMaria, supported by Falcone, to receive and file the financial statements for the ten months ended April 30, 2013.

Motion carried.

7.2 Investment Report – April 28, 2013

MOTION by DiMaria, supported by Falcone, to receive and file the investment report of securities held as of April 28, 2013.

Motion carried.

7.3 Financial Reports and Analyses

7.3A Open Hearing on Proposed 2013/2014 Budget

There being no comments from the public on the proposed 2013/2014 budget, the open hearing was closed.

7.3B Property Tax Analysis and Resolution (1.4212 Mill Tax 2013)

MOTION by DiMaria, supported by Falcone, to approve the resolutions for the levy of 2013/2014 property taxes for operating and debt retirement purposes be adopted as follows.

WHEREAS, Act No. 331 of the Public Acts of the State of Michigan for the year 1966, as amended, requires the Board of Trustees to determine the total taxes required for the operation of the Community College for any year; and

WHEREAS, the Board has previously adopted a proposed additional millage rate as required by Public Act 5 of 1982 and has held a public hearing as required by the same act, and

WHEREAS, the qualified electors of the College District have heretofore authorized the Board of Trustees to levy a tax on real and personal property within the District at the maximum annual rate of 1.4212 mills on each thousand dollars (\$1.4212 per \$1,000) of the State equalized assessed valuation of the property within the District, and

WHEREAS, the Board of Trustees has determined that the total taxes required for operation by the Community College District for the fiscal year commencing July 1, 2013, amount to be at least \$34,270,734.

7.0 FINANCIAL REPORTS (Continued)

7.3B Property Tax Analysis and Resolution (1.4212 Mill Tax 2013) - (Continued)

NOW, THEREFORE, BE IT RESOLVED, and it is hereby declared and certified that the approved tax to be levied on the real and tangible personal property with the College District for the fiscal year commencing July 1, 2013 shall be at the rate of 1.4212 mills on each thousand dollars (\$1,4212 per \$1,000) of the taxable State equalized assessed valuation of the property within the District which will be reduced as required by the provisions of Act No. 35 of the Public Acts of the State of Michigan for the year 1979, and

BE IT FURTHER RESOLVED, and it is hereby declared and certified, that the total amount of taxes to be raised throughout the College District for the operation of the College for the fiscal year commencing July 1, 2013, shall amount to at least \$34,270,734, and

BE IT FURTHER RESOLVED that the Secretary is hereby authorized to certify the approved tax rate and the amount of taxes to be raised and the College Treasurer shall notify the proper assessing office of each appropriate city and township within the College District and do whatever else may be necessary and proper in the premises to effectuate compliance with this resolution.

ROLL CALL VOTE:

Ayes: DiMaria, Falcone, DeSantis, Cusumano, Bonkowski, Kelly

Nays: None

Absent: Bolanowski

RESOLUTION DECLARED ADOPTED.

7.3B Property Tax Analysis and Resolution (.11 Mill Tax 2013)

MOTION by DiMaria, supported by Falcone, to approve the resolutions for the levy of 2013/2014 property taxes for operating and debt retirement purposes be adopted as presented.

WHEREAS, Act No. 331 of the Public Acts of the State of Michigan for the year 1966, as amended requires the Board of Trustees to determine the total amount of funds needed for the payment of principal and interest on the bonded indebtedness of the Community College District; and

WHEREAS, Act. No. 331 of the Public Acts of the State of Michigan for the year 1966, as amended, authorizes the Board of Trustees to impose taxes for the payment of such principal and interest on such bonded indebtedness as the same may fall due; and

WHEREAS, the Board of Trustees has determined that approximately \$2,700,000 will be needed to pay principal and interest on the outstanding bonds of the Community College District of the County of Macomb, Michigan, falling due prior to the end of the fiscal year ending June 30, 2014; and

7.0 FINANCIAL REPORTS (Continued)

7.3B Property Tax Analysis and Resolution (.11 Mill Tax 2013) - (Continued)

WHEREAS, the Board of Trustees has determined that it is necessary for the fiscal year commencing July 1, 2013 that taxes be imposed in addition to the voted operating millage levy to meet the bonding obligations of the Community College District;

NOW, THEREFORE, BE IT RESOLVED, and it is hereby declared and certified that the total amount of taxes to be raised throughout the Community College District for the fiscal year commencing July 1, 2013 for the payment of principal and interest falling due on the outstanding bonded indebtedness of the District shall amount to at least \$2,700,000; and

BE IT FURTHER RESOLVED, and it is hereby declared and certified, that the approved tax to be levied on the real and tangible personal property within the College district shall be .11 mill for the fiscal year commencing July 1, 2013 for the purpose of paying the principal and interest on the outstanding bonded indebtedness of the Community College District falling due prior to June 30, 2014; and

BE IT FURTHER RESOLVED, that the Secretary is hereby authorized to certify the approved tax rate to be levied and the amount of taxes to be raised and the College Treasurer shall notify the assessing officer of each appropriate city and township within the College District and to do whatever else may be necessary and proper in the premises to effectuate compliance with this resolution.

ROLL CALL VOTE:

Ayes: DiMaria, Falcone, Bonkowski, Cusumano, DeSantis, Kelly

Nays: None

Absent: Bolanowski

RESOLUTION DECLARED ADOPTED.

7.0 FINANCIAL REPORTS (Continued)

7.3C Initial 2013/2014 General Fund Budget

MOTION by DiMaria, supported by Bonkowski, to adopt the general appropriations resolution for 2013/2014 as presented.

RESOLVED, that this resolution shall be the general consolidated appropriations of Macomb Community College for the fiscal year beginning July 1, 2013. A resolution to make appropriation; to provide for expenditures of appropriations; and to provide for the disposition of all income received by Macomb Community College.

BE IT FURTHER RESOLVED, that the total revenues estimated to be available for appropriations in the General Fund for the fiscal year beginning July 1, 2013 are \$131,468,613.

BE IT FURTHER RESOLVED, that \$130,468,325 of the total available to appropriate in the General Fund is hereby appropriated for expenditures and, if necessary, fund balance to be used to insure that the 2013/2014 budget is balanced.

BE IT FURTHER RESOLVED, that no Board of Trustees member or employee of the College shall expend any General Funds or obligate the expenditure of any General Funds except pursuant to appropriations made by the Board. Changes in the amount appropriated by the Board shall require approval by the Board.

BE IT FURTHER RESOLVED, that the Vice President for Business is hereby charged with general supervision of the execution of the budget adopted by the Board and shall hold the department heads responsible for the performance of their responsibilities within the amount appropriated by the Board of Trustees. This appropriation resolution is to take effect on July 1, 2013.

ROLL CALL VOTE:

Ayes: DiMaria, Bonkowski, DeSantis, Falcone, Kelly

Nays: Cusumano

Absent: Bolanowski

RESOLUTION DECLARED ADOPTED.

8.0 PERSONNEL REPORTS

8.1 Personnel Actions – Appointments

MOTION by DeSantis, supported by Falcone, to approve the appointment of Kenneth Dulinski, Instructor of Automated Systems Technology - Mechatronics, effective June 24, 2013.

ROLL CALL VOTE:

Ayes: DeSantis, Falcone, DiMaria, Cusumano, Bonkowski, Kelly

Nays: None

Absent: Bolanowski

Motion carried.

8.2 Professional Leave of Absence for 2013/2014

MOTION by Falcone, supported by DiMaria, to grant the professional leave of absence during the 2013/2014 academic year to Mary Kickham-Samy to work as a librarian at the American University of Cairo, Egypt.

ROLL CALL VOTE:

Ayes: Falcone, DiMaria, DeSantis, Cusumano, Bonkowski, Kelly

Nays: None

Absent: Bolanowski

Motion carried.

8.3 Employment Contracts for Exempt Administrators

MOTION by Falcone, supported by DiMaria, to approve contracts for the exempt administrators for the period July 1, 2013 through June 30, 2015.

Trustee Cusumano moved that this agenda item be tabled to the next meeting. He stated that there is reference to contracts and he has never been apprised of or privy to the employment contracts, and that the Board is being asked to approve contracts based on the stated salary figures with no other information. Trustee DeSantis supported his motion. Trustee Cusumano requested the President's Office to provide an opportunity to the Trustees to view these employment contracts.

8.0 PERSONNEL REPORTS

8.3 Employment Contracts for Exempt Administrators (Continued)

Point of Privilege: Trustee DeSantis stated that he has never read any of these contracts and inquired if any of the other Trustees have read them. Chairperson Kelly stated that Trustee DeSantis can make that inquiry to his fellow Trustees. Trustee Falcone stated that the motion made by Trustee Cusumano would be in violation of collective bargaining rights if passed.

Chairperson Kelly asked for a roll call vote on Trustee Cusumano's motion to table the agenda item, which was supported by Trustee DeSantis.

ROLL CALL VOTE:

Ayes: Cusumano, DeSantis

Nays: Bonkowski, DiMaria, Falcone, Kelly

Absent: Bolanowski

Motion failed.

MOTION by Falcone, supported by DiMaria, to approve contracts for the exempt administrators for the period July 1, 2013 through June 30, 2015.

ROLL CALL VOTE:

Ayes: Falcone, DiMaria, Bonkowski, Kelly

Nays: Cusumano, DeSantis

Absent: Bolanowski

Motion carried.

9.0 AUDIENCE PARTICIPATION

None

10.0 REPORTS OF ADMINISTRATION – INFORMATION ITEMS

10.1 Electronic Board Packets Using BoardBook

Motion by Bonkowski, supported by Falcone, to receive and file this information item.

Motion carried.



11.0 REPORTS OF ADMINISTRATION – ACTION ITEMS

11.1 Donations

MOTION by Bonkowski, supported by DiMaria, to accept the donations as presented and acknowledged by the Administration.

Motion carried.

11.2 Change Orders

None

11.3 Authorization for Purchases

11.3A Annual Library Purchases and DALNET Maintenance Agreement

MOTION by Falcone, supported by DiMaria, to authorize the purchase of library resources for fiscal year 2013-2014 in amounts not to exceed \$41,000 to Gale Group of Farmington Hills, Michigan, \$83,000 to EBSCO Subscription Services of Gary, Illinois, \$30,000 to Baker & Taylor Publishing of Charlotte, North Carolina, \$65,000 to West Group Publishers of Eagan, Minnesota, and \$53,000 MCLS (Midwest Collaborative Library Services) of Lansing, Michigan; and authorize the renewal of its annual maintenance agreement in an amount not to exceed \$60,000 to the Detroit Area Library Network (DALNET) for the College's share of fiscal year 2013-2014 operating costs.

ROLL CALL VOTE:

Ayes: Falcone, DiMaria, DeSantis, Cusumano, Bonkowski, Kelly

Nays: None

Absent: Bolanowski

Motion carried.

11.0 REPORTS OF ADMINISTRATION – ACTION ITEMS (Continued)

11.3B Three (3) Issues of the Workforce and Continuing Education Schedule of Classes  
Fall 2013, Winter 2014 and Summer 2014

MOTION by DiMaria, supported by Bonkowski, to approve the bid in the amount of \$86,133 for printing and mailing services for three (3) issues of the Workforce and Continuing Education Schedule of Classes for Fall 2013, Winter 2014 and Summer 2014 to Mignone Communications, Huntington, Indiana.

ROLL CALL VOTE:

Ayes: DiMaria, Bonkowski, Cusumano, DeSantis, Falcone, Kelly

Nays: None

Absent: Bolanowski

Motion carried.

Point of Privilege: Trustee DeSantis referred to the earlier comment made by Trustee Falcone that a previous motion made would have been in violation of a collective bargaining agreement. He asked if the exempt employees are under a collective bargaining agreement, and if so, which bargaining unit. Chairperson Kelly ruled that this is not an appropriate point of privilege since he already made his ruling on that motion and that we have proceeded beyond that agenda item. Trustee DeSantis stated he is requesting that legal counsel look into his inquiry and provide him with an answer as soon as possible.

11.3C Boiler CSD-1 Certification

MOTION by Falcone, supported by DiMaria, to authorize the college to enter into a three-year contract with Bluewater Boiler and Mechanical of Fair Haven, Michigan to provide CSD-1 Boiler Certification in the amount of \$38,400.

ROLL CALL VOTE:

Ayes: Falcone, DiMaria, DeSantis, Cusumano, Bonkowski, Kelly

Nays: None

Absent: Bolanowski

Motion carried.

11.0 REPORTS OF ADMINISTRATION – ACTION ITEMS (Continued)

11.3D Elevator Maintenance and Service Contract

MOTION by DiMaria, supported by Falcone, to authorize the college to enter into a three-year contract with Kone, Inc. of Livonia, Michigan to provide Elevator Maintenance Service in the amount of \$86,900.

ROLL CALL VOTE:

Ayes: DiMaria, Falcone, DeSantis, Cusumano, Bonkowski, Kelly

Nays: None

Absent: Bolanowski

Motion carried.

11.3E Renewal of Student and Business System Software Maintenance Agreements for FY 2014

MOTION by Bonkowski, supported by Falcone, to authorize renewal of the college's software maintenance and service contracts with Ellucian, Inc., of Fairfax, Virginia, for fiscal year 2014 in an amount not to exceed \$499,950.

Discussion: Trustee Cusumano inquired as to whether this item has gone through the regular competitive bidding process.

Mr. Zimmerman responded that some of the service contracts that are associated with Datatel are not something we can bid. He further stated that the college is essentially required to keep the maintenance agreements on those systems as long as we use their software unless we decide to switch, so the only way we could competitively bid this item is if we replace the entire system.

ROLL CALL VOTE:

Ayes: Bonkowski, Falcone, DiMaria DeSantis, Cusumano, Kelly

Nays: None

Absent: Bolanowski

Motion carried.

11.0 REPORTS OF ADMINISTRATION – ACTION ITEMS (Continued)

11.4 Primary Electrical Switch Gear Replacement at Center Campus L Building

MOTION by DiMaria, supported by Bonkowski, to approve the replacement of the primary electrical switchgear and transformer, subject to final testing, at Center Campus L building with total construction costs, including a 10% contingency, in an amount not to exceed \$144,878 and authorize the Administration to enter into a contract, upon the approval of General Counsel, with Electrex of Harrison Township, Michigan.

ROLL CALL VOTE:

Ayes: DiMaria, Bonkowski, Cusumano, DeSantis, Falcone, Kelly

Nays: None

Absent: Bolanowski

Motion carried.

11.5 Renovation of Veterinary Technology Laboratories

MOTION by DiMaria, supported by Falcone, to approve the renovation of Veterinary Technology Laboratories and authorize the administration to solicit proposals, quotes and bids and award contracts to the lowest qualified bidders that will provide acceptable quality, service and performance meeting College specifications with total construction costs not to exceed \$50,000.

Discussion: Trustee DeSantis inquired as to whether this was an oversight when requesting funds for renovations earlier in the year and if it should have been included with the one million dollar request for renovations between both campuses.

Ms. Argiri responded that this was an unknown renovation at the time administration asked the Board to approve the 1.5 million dollar renovation program. She stated that the accreditation visit for the vet tech program occurred in November and the college received the final report after the board approved the renovation program for the year. She further noted that there is a time consideration with respect to this renovation program which is why administration is asking for approval at this time. Trustee Cusumano asked if it would affect the accreditation of the vet tech program if these renovations were not made.

11.0 REPORTS OF ADMINISTRATION – ACTION ITEMS (Continued)

11.5 Renovation of Veterinary Technology Laboratories (Continued)

Charlene McPeak, Dean of Health and Public Services responded that if the college does not make these renovations, it would be considered a critical recommendation that was not fixed and they could downgrade our accreditation. She further stated that these are changes that have been made in their standards since the college's last accreditation.

ROLL CALL VOTE:

Ayes: DiMaria, Falcone, DeSantis, Cusumano, Bonkowski, Kelly

Nays: None

Absent: Bolanowski

Motion carried.

12.0 POLICY ACTIONS

None

13.0 ADJOURNMENT

MOTION by Falcone, supported by DiMaria, to adjourn the meeting.

Motion carried.

The meeting adjourned at 8:19 p.m.

COMMUNITY COLLEGE DISTRICT OF THE COUNTY OF MACOMB  
BOARD OF TRUSTEES

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Acting Secretary