

APPROVED MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES  
OF THE COMMUNITY COLLEGE DISTRICT OF THE COUNTY OF MACOMB

A Special Meeting of the Board of Trustees of the Community College District of the County of Macomb was held Tuesday, July 19, 2016 at 6:00 p.m., in Room K307, 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 6:07 p.m.

2.0 ROLL CALL

Present: James F. Kelly, Chairperson  
Vincent Viviano, Vice Chairperson  
Jennifer Haase, Secretary  
Frank Cusumano, Trustee  
Elizabeth Lucido, Trustee

Absent: Joseph DeSantis, Trustee  
Roseanne DiMaria, Treasurer

Also present: Sharon Kowal, Executive Administrative Assistant to the President  
Janet Huff, Director of Human Resources  
Hunter L. Wendt, General Counsel/Executive Director, College Police

3.0 APPROVAL OF AGENDA

MOTION by Haase, supported by Lucido, to approve the agenda as presented.

Motion carried.

4.0 AUDIENCE PARTICIPATION

None.

5.0 BOARD OF TRUSTEES REPORTS/PROPOSALS (verbal)

Trustee Kelly stated that he thought there was consensus on the presidential search process established at previous meetings. However, Trustee Cusumano has sent an email to the Board about some of his concerns. Therefore, Trustee Kelly called this meeting for two reasons: 1) for Trustee Cusumano to summarize his concerns and 2) formally adopt or, not, the search process.

Trustee Cusumano said his two concerns were that the presidential search committee (PSAC) constitutes less than the full body of the Board and whether or not the PSAC is going to be held in the Open Meetings Act.

Mr. Wendt said the process (including the role of the search committee) was outlined in the response to the RFP submitted by R. H. Perry and Associates; the Board selected R.H. Perry and thereby has adopted that process. Trustee Kelly added that part of the process has the PSAC review the applicant pool, attempt to narrow it down and make recommendations for further consideration to the full board. Mr. Wendt continued, the Board is not restricted to the recommendations of the Search Committee. If the Board wants to consider someone who is not recommended they are able to do that. The selection of the president is at the full discretion of the Board.

Trustee Haase said her understanding is that every Board member, regardless if they are serving on the committee or not, have access to all the applicants. Mr. Wendt said no – it is a closed site and only the PSAC can access it. Trustee Haase said the PSAC has to sign the confidentiality agreement. Mr. Wendt said yes and the applicants will sign a request for confidentiality as well. It is necessary because people do not want to disclose to their current employer that they are seeking employment elsewhere – so it must remain confidential.

Trustee Cusumano asked if there is a problem having the full Board on the PSAC. Mr. Wendt responded yes, that would constitute a meeting and would then be subject to the Open Meetings Act, the material received would then be subject to FOIA and there would be no confidentiality. Trustee Cusumano said that MCL 15.268 subparagraph f, footnote 2 says the application for employment is an exemption. It would be confidential, because it would be in closed session with regards to the Board as a body. Mr. Wendt said the Board did not delegate any authority to a third party to decide who would be president of the college. The Board is setting up a search committee to make a recommendation. The Board is free to disregard the recommendation, adopt it, or look at the candidates that are publically named, conduct interviews and decide if there is a candidate to hire. The full Board will not see all of the applicants, only those people recommended by the search committee.

Trustee Cusumano stated that he does not think the authority to select a president can be delegated to a search committee. Trustee Cusumano said Mr. Wendt doesn't want to have the OMA apply because it would be a full body of the board. He said he raised the exception of confidentiality and that those requests would be conducted in a closed session. He said the PSAC is meeting in closed session and the public is not able to see any of the applicants and neither are any of the other board members because it is all confidential. Trustee Cusumano has always argued for transparency and openness in this process. The protection of confidentiality is there if the applicant says they want confidentiality. The Board is the elected body and he doesn't think they can delegate that authority because it says the Board can hire a CEO but it doesn't say the Board can hire a presidential search committee to hire a CEO. Trustee Kelly said the presidential search committee is not hiring the next president. Mr. Wendt said Trustee Cusumano's interpretation of the OMA is incorrect and is inapplicable to this committee.

Trustee Kelly said there is a difference of opinion between Trustee Cusumano and the Board's attorney, Mr. Wendt. Mr. Wendt works for the Board and Trustee Kelly is going to defer to him and take his advice. Trustee Cusumano's objections have been heard here and outlined in his email. Trustee Kelly entertained a motion that the Board proceed with the presidential search and presidential search committee as outlined.

5.1 Appointment of Advisory Presidential Search Committee

MOTION by Haase, supported by Lucido, to approve the appointment of those named persons to the Advisory Presidential Search Committee.

DISCUSSION: Trustee Cusumano asked how the list of committee members was generated. Trustee Kelly stated that as chair of the Board he is allowed to generate the list without the approval of the Board, as indicated in the By-laws. However, recommendations were given and the Board had the opportunity to make suggestions.

Trustee Viviano asked how the PSAC will narrow down the candidates. Mr. Wendt said the PSC will meet with R.H. Perry to discuss the process and how to evaluate the candidates. On Tuesday, July 26 at 6 p.m. in SK307 the Board will be meeting with the representatives from R.H. Perry to give input on important considerations for setting forth the criteria. Trustee Kelly added that during the last presidential search there was a general consensus among the committee and the top candidates rose to the top.

ROLL CALL VOTE:

Ayes: Haase, Lucido, Viviano, Kelly

Nays: Cusumano

Absent: DeSantis, DiMaria

6.0 ADJOURNMENT

MOTION by Haase, supported by Lucido, to adjourn the meeting. Meeting adjourned at 6:30 p.m.

COMMUNITY COLLEGE DISTRICT OF THE COUNTY OF MACOMB  
BOARD OF TRUSTEES

  
Secretary