

APPROVED MINUTES OF THE INFORMATION SESSION OF THE BOARD OF TRUSTEES
OF THE COMMUNITY COLLEGE DISTRICT OF THE COUNTY OF MACOMB

An open information session of the Board of Trustees of the Community College District of the County of Macomb was held Tuesday, September 20, 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 6:30 p.m.

2.0 ROLL CALL

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

Absent: Vincent Viviano, Vice Chairperson
Roseanne DiMaria, Treasurer
Joseph DeSantis, Trustee

Also present: James Jacobs, President
Elizabeth Argiri, Vice President for Business
Sharon Kowal, Executive Administrative Assistant to the President
Jill Thomas-Little, Vice President, Student Services
Gerri Lynn Pavone, Executive Director, Research and Planning
James Sawyer, Provost/Senior Vice President, Learning Unit
Casandra Ulbrich, Vice President, College Advancement
and Community Relations
Hunter L. Wendt, General Counsel/Executive Director, College Police
Denise Williams, Vice President, Human Resources

3.0 APPROVAL OF AGENDA

Trustee Kelly asked for a motion to add: Agenda Item 6.4 Correspondence to Board Member, to the agenda.

MOTION by Haase, supported by Cusumano, to approve the agenda with the addition of Agenda Item 6.4 Correspondence to Board Member.

Motion carried.

4.0 AUDIENCE PARTICIPATION

None.

5.0 REVIEW OF AGENDA ITEMS AND MATERIAL

Mr. Wendt, General Counsel, stated that the MCC Foundation would like the attachment for Agenda Item 11.4 Approval of the MCC Foundation Gift Agreement and Re-Naming of the Lorenzo Cultural Center Lobby to be considered attorney-client privilege due to the personal nature of the document.

6.0 ISSUES AND UPDATES

Dr. Jacobs discussed:

- The Tim Skubick event on Wednesday, October 5 at the Lorenzo Cultural Center.
- The Comedies and Cocktails event on October 21, 2016 at the Sports and Expo Center. Dr. Ulbrich asked the Board members to consider donating a silent auction item.
- The speaking event with Nicholas Kristoff on September 29 at the Lorenzo Cultural Center at 7 p.m. Meet and greet at 5:30 and talk at 7.

Dr. Jacobs stated that 45,000 students nationally are being affected by the closure of ITT. Some ITT students are calling the College asking for options. Fifty-one people have already been in contact with the College and have been referred to the Dean of Students Office. Dr. Sawyer said currently the students do not have access to their ITT records so the College is allowing them to earn credit through the prior learning option -- a portfolio, CLEP tests or tests by exam. Dr. Jacobs added that the tuition fee required for taking CLEP tests and credit by work experience is being waived for these students. Trustee Cusumano asked if the College has been doing any publicizing. Dr. Ulbrich said a news release was issued and a link was put on the front page of the website. A pay per click google ad was also added - therefore anyone in this area who googles ITT Tech would have an MCC ad pop up on their screen. If they click on the ad, they are redirected to the Macomb website with contact information to the Dean of Student Services. Dr. Sawyer said an Open House is tentatively planned for next week.

Dr. Jacobs announced that Francois Faloppa passed away this past weekend. For the past fifteen year, Mr. Faloppa was the pastry chef with the Culinary Arts program. He was also the College's beekeeper. Grief counseling will be available on campus Thursday.

6.1 HLC Update

Dr. Sawyer gave a brief update on the HLC peer review team visit on September 26 and 27, 2016. The Board of Trustees will be meeting with the team for dinner on Monday, September 26 at 5:30 in SK307. Dr. Sawyer recommended the Board prepare for this meeting by reviewing the documents previously distributed, i.e., Vision 2020/DataBook/Strategic Plan. The Board does not need to be available other than for the dinner on Monday evening.

6.2 Lansing Update

Dr. Jacobs reported that:

- The Michigan School Aid Fund has a surplus of \$51M as a result of the rise in income; resulting in greater tax revenue.
- The Governor and State Legislature are likely to pass an energy bill which supports the efforts of the large energy companies, like DTE, to raise rates for customers in order to build new plants. This is a problem because the College buys energy through an energy supplier and this bill would constrict the open market. This method of purchasing energy literally saves the College millions of dollars. The assumption is the Governor has made the decision and it is going to move ahead.
- Dr. Jacobs said the Capital Outlay strategy for next year is going to be for updates to the Advanced Technology Center (R/S Building). The report will be delivered at the end of October.

Trustee Cusumano asked the reason for the spike in the utilities expense from the amended August 2015 statement to the August 2016 statement. Ms. Argiri stated that with the method the College uses to buy electricity and gas there will be fluctuations in the cost from month to month.

Trustee Cusumano stated that Departmental Sales and Services jumped up 39.5%. Ms. Argiri said that is primarily due to the Macomb Center for Performing Arts ticket sales. Ticket sales started in late June/early July and have been phenomenal.

Trustee Cusumano asked about the Fringe Benefits going up 9.8% but with a decline in salary and wages. Ms. Argiri said it is a matter of timing from year to year. The College pays employees every two weeks and there were six extra days in 2015 than 2016.

6.3 Presidential Advisory Search Committee Presentation – F. Cusumano

Trustee Cusumano asked that the Board revisit the issue of the composition of the presidential search advisory committee. He does not see the upside to not having the full Board and actually, whoever wants to; attend the meetings of the presidential search advisory committee. He previously indicated that in some of the correspondence and literature published it says the Board can vote for whoever they want to, but the trustee that is froze out doesn't even know who has applied because this is operating outside of the view of that individual trustee. Trustee Cusumano said he takes his role as trustee very seriously and the tremendous position that is given to the President of the College he would like to know of all of the applicants so that if he wanted to choose to vote for someone who is not on the pared down list that he has that opportunity. He thinks it is appropriate. He doesn't see the down side to it other than secrecy. He asked that the Board revisit that and he would draft a formal motion. He appreciates the Board's consideration and looks forward to a change in that policy.

Trustee Kelly said the presidential search advisory committee members have met with the consultant to provide information for the presidential profile. Mr. Wendt said the Board requested each consultant that responded to the request for proposal to indicate the process they would follow. RH Perry indicated, in detail, how they would run the process and the Board voted unanimously to engage them. Trustee Kelly confirmed that the Board of the College decided on the composition of the committee.

Trustee Cusumano reiterated his point about having every Board member attend that meeting. Trustee Kelly said that is not the process the Board has chosen to follow. Trustee Haase said she is concerned that Trustee Cusumano seems to feel that the committee will not be offering five outstanding candidates; that there will be some sort of deception involved. RH Perry has been dealing with the process for decades and she doesn't have any doubt that the people in that room are not going to do their due diligence and offer to the full Board five outstanding candidates.

Trustee Cusumano said he is basically saying that he is an elected official that is going to make the decision on the president of the college; one of the most important decisions he can make, one of the most important votes he makes as a participant in this public body and that he is froze out of that process, for whatever reason, and he thinks it is fundamentally unfair. He thinks it is unlawful under Michigan Statutes and the Open Meetings Act. It has been presented in paperwork and published on the website that the ultimate decision will be decided by the Board. There are applicants coming in and he has no idea who they are, being culled out and done in secret, by definition, because he is not privy to the names of those individuals and then it being said he can vote for anyone he wants. He has mentioned this before and thinks it is a sound argument.

Trustee Haase stated that if Trustee Cusumano continues along this path that he is setting an example that would discourage some highly qualified people from applying to this college. This is a process these candidates are familiar with. She feels confident that this is legal and confidential and that this is the way these searches are conducted and have been so for decades across the country including Michigan. She thinks the applicants are due some measure of confidentiality as they begin this process. As they move along in the process they will have to make the decision, if they want to be a finalist, to make their candidacy public. It seems that this is the process these searches take and this is not an exception but the way things are done.

Trustee Cusumano affirmed with Trustee Haase that she is saying in the event this is unlawful, under the OMA and FOIA act, that she is fine with that. Trustee Haase said she would be very surprised. Trustee Kelly said the Board has opinions from their attorney and Trustee Cusumano has a contrary opinion and that is fine. Trustee Kelly said if there is no support to redo this process he would like the meeting to continue.

6.4 Correspondence to Board Member

Trustee Kelly said there was discussion at previous meetings about the absences of some members and sending a letter to a person. He said he was uncomfortable writing on behalf of himself, but he would be willing to draft a letter for the trustees to review. Then if agreed upon he would send the letter on behalf of the Board. Trustee Kelly distributed a draft of a letter. There was discussion if the Board wanted to give feedback immediately or wait until there were more Board members present. Trustee Kelly said he had previously emailed the trustee, but this time he would write a formal letter and send it through the U.S. Mail.

Trustee Cusumano asked what the process is with excusing an absence. Mr. Wendt said members who aren't at a meeting are just reported as absent, they aren't marked excused. Trustee Kelly said usually if a member gave advanced notice of an absence it was excused and if a trustee was not heard from, it was unexcused. However there is no formal policy for absences. Trustee Kelly stated the College hasn't tried removing a trustee from office, but did inquire with the Attorney General sometime in the past. Mr. Wendt said to his knowledge there are only two ways an elected trustee may be removed from office: 1) is by the governor declaring the trustee's failure to do their duty and 2) by recall election.

Dr. Jacobs and Trustee Kelly have reached out to the trustee multiple times. Trustee Cusumano saw him in public within the last 30 days. Trustee Cusumano will try to contact the trustee. Trustee Kelly said they will hold off on the letter and give Trustee Cusumano an opportunity to reach out to the trustee regarding his ongoing absence from the Board meetings.

7.0 EXECUTIVE SESSION

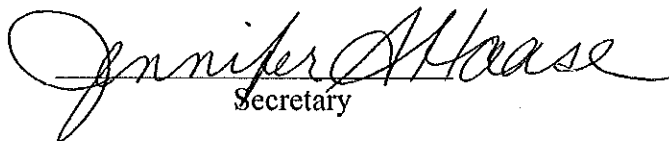
It was determined that it was not necessary to go into executive session.

8.0 ADJOURNMENT

MOTION by Haase, supported by Cusumano, to adjourn the meeting.

The meeting adjourned at 7:25 p.m.

COMMUNITY COLLEGE DISTRICT OF THE COUNTY OF MACOMB
BOARD OF TRUSTEES


Secretary