I. CALL TO ORDER
Mr. Lewis called the meeting to order at 4:30 p.m.

II. ROLL CALL
All trustees were present.

III. PUBLIC PARTICIPATION
Mr. Lewis inquired if there were any members from the public that requested time to appear before the Board. No requests had been received.

IV. CONSENT AGENDA
A. Approval of 12/8/11 Regular Board Meeting Minutes
B. Approval of Agreements
C. Approval of Agreements - Affiliation
D. Approval of Budget Amendments
E. Approval of Grant Application
F. Approval of Human Resource Recommendations
G. Approval of Out of District Field Trip Requests
Mr. Lewis asked if there were any items the trustees would like pulled from the Consent Agenda. Dr. Recascino requested to pull Item IV. E. Approval of Grant Application for further discussion.

**MOTION:** (Holness/Haas) The District Board of Trustees approve the remainder of the Consent Agenda. Motion carried unanimously.

Dr. Recascino inquired of the match commitment by the College for the Community College Initiative Program grant application. Dr. Tom LoBasso, Senior Vice President for Enrollment and Student Development, explained the grant has in-kind match and in-state tuition discounts. Dr. Ted Sofianos, Director of Resource Development, concurred and indicated the College has participated in this program for the past five years.

**MOTION:** (Recascino/Brosemer) The District Board of Trustees approve Item IV.E. Approval of Grant Application. Motion carried unanimously.

V. **TIME RESERVED/PRESIDENT**

A. **President’s Update**

Dr. Eaton explained in December Campus Safety conducted an emergency planning meeting to review policies and procedures that are in place at the College. She also shared that she and some of the trustees attended nursing pinning ceremonies and what a wonderful activity this was for graduates and their families. She participated in a Women in Business luncheon hosted by the DeLand Chamber, and a welcome back event for the start of the Spring semester. She had the opportunity to tour the Whisper Oaks development where student athletes are housed and was impressed how nice the housing was. She was invited to attend the Florida Senate’s Committee on Higher Education and be introduced to the committee. At that meeting she had a brief opportunity to share how the College is moving in the right direction and has a robust 2+2 partnership with other educational institutions. She attended the Herbert M. Davidson Award for outstanding community service event where Blaine Lansberry was recognized as this year’s recipient. She stated the ATC will be hosting its annual car show on Januarys 21st. She explained the Information Technology Committee of the Planning Council is working to bring forward a proposal on whether or not the College should consider changing its computer system which if done, would lead to a significant investment of time and dollars. She shared the President’s Cabinet is looking at a proposal that was brought forward for a tobacco free campus and how this proposal will be vetted before bringing a proposal forward to the Board.
VI. ACADEMICS
   A. Approval of New Courses
      Dr. Michael Vitale, Senior Vice President of Academic Affairs, described
      the eight new courses being presented for approval. Mr. Freckleton
      suggested applying to Homeland Security for grant funding for the cyber
      security program. Dr. Recascino inquired about course numbering and
      leveling and Dr. Vitale explained about the state’s numbering process and
      how courses are commonly numbered within the state.

      MOTION: (Hosseini/Haas) The District Board of Trustees approve
      CGS 2840 - Secure Electronic Commerce; CIS 2350 -
      Principles of Information Assurance; CIS 2381 - Foundations
      of Digital Forensics; CNT 2402 - Enterprise Security
      Management; EAP 1501 - Accent Reduction; ETD
      2390/2390L Introduction to Revit Architecture and Lab; FFP
      2770 - Ethical and Legal Issues for the Fire Service; and
      MUH 2110 - Introduction to Music History and Literature,
      effective upon Board approval. Motion carried unanimously.

      Dr. Vitale explained a contemporary artist will be on campus creating
      tintype portraits and extended an invitation to the trustees to have their
      portraits done.

VII. FINANCE
   A. Financial Summary for December 2011
      Mr. Dennis Micare, Senior Vice President of Finance and Administration,
      reviewed the executive summary which included revenues and expenses. He
      reviewed reports on General Operations Fund 1 revenue and
      expenses and how columns have been added showing the required fund
      balance reserves, designated reserve and unallocated reserves restricted.
      He reviewed revenues and expenses for all funds, student fee revenues,
      and unallocated reserve funds available in funds 1, 3 and 7.

      Dr. Eaton shared the executive staff will be meeting to look at available
      capital outlay funding and how this may be an opportune time to use these
      funds and will bring forward recommendations when appropriate. Mr.
      Micare indicated the $1.7 million in PECO funds may be at risk based on
      discussions occurring in Tallahassee.

      Mr. Micare reviewed construction projects underway and budgets
      associated with each project.

   B. Wire Transfers/Checks Issued Greater Than/Equal to $50,000
      Mr. Micare presented as information.
VIII. ENROLLMENT AND STUDENT DEVELOPMENT
A. Enrollment Report
Dr. Tom LoBasso, Senior Vice President for Enrollment and Student Development, reviewed decreases in Spring enrollment as compared to the previous year, changes in specific categories and changes being experienced by each of the campuses. He indicated there has been significant decreases in adult education enrollment on the Daytona and Deltona campuses and believes this is due to the recent legislative change requiring adult education students to pay tuition which is determined based on residency. He indicated the decline that is predicted will impact next year’s enrollment and will be working on forecasting and new enrollment initiatives.

IX. MONTHLY STATUS REPORT
A. Foundation Update
Mrs. Haas explained the Foundation board selected a new chair, Mrs. Sally Gillespie, and vice chair, Mr. Bill Lenssen. She shared they have added three new members to the board. She reminded everyone of the upcoming Taste of 24 event. The Foundation will be using a new asset company and under the leadership of the investment committee chair, the structure of the Foundation’s processes are going to be changed. Mrs. Haas thanked Mrs. Hosseini for establishing three scholarships in each of her daughters’ names and how these will assist adult education and low income students and this was something others can do through the Foundation. Mr. Lewis thanked Mrs. Haas for the work she does on the Foundation board.

Distributed Scholarship Financial Support document. Made an official part of the minutes as Supplemental B: 1/20/12. Ms. Donna Sue Sanders, Foundation Executive Director, reviewed scholarship levels since 2008 and how the Foundation had awarded 5100 scholarships during this period of time. She shared how setting up a scholarship in child’s name is a great way to inspire young persons to be more involved.

X. TIME RESERVED/COLLEGE COUNSEL
A. Community Cultural Foundation Update
Mr. Brian Babb, Executive Vice President/General Counsel, explained mediation was attempted and the insurance company will not participate in mediation and asked the Board how they would like to proceed. Mr. Babb explained a directors and officers (D&O) liability policy only covers certain types of acts and Holland and Knight believe there is the possibility of some recovery, but this is uncertain.

MOTION: (Freckleton/Recascino) The District Board of Trustees open the floor for discussion on Item X.A.
Mr. Lewis believed both boards were acting in good faith based on information they were provided and how they did not anticipate losing money. He explained those involved are no longer at the College and policies have been put in place so this does not occur again. He indicated the Auditor General and state auditors would not pursue this case and believed the Board has done all in their power and they would be chasing bad money with good money. He wanted to move forward and begin to mend fences in the community to help the College in its fundraising efforts. He stated if the College did receive some funding from a lawsuit what would it cost the College in time and effort, and how this would affect relations with the community. He believed the loss and suffering would far exceed any revenue the College may receive.

Mr. Freckleton explained both boards were blindsided by a few individuals and felt the College would not get back the $1.5 million by pursuing a lawsuit and would like to move forward. He believes the more it continues, the more it divides the community and concurred with Mr. Lewis.

Mrs. Brosemer understood Mr. Lewis and Mr. Freckleton’s position and how they made a strong case and would be supportive of whatever the Board’s decision. She offered another perspective and explained that lawsuits are a tool and can serve as a mechanism to start discussions and how this is one more thing that could be done. She also explained how the Board could withdraw from the legal process at any time.

Mr. Tanner explained the Board has shown they did the right thing and eliminated the problems and felt there was not a need for further vindication as this has already occurred. He did not know if it would be financially feasible to proceed with a lawsuit unless a judgment would substantially exceed the legal costs. Because of the investment of funds and energy, he was not sure if it would be financially prudent to continue with a lawsuit. Mr. Lewis explained it is in the best interest of attorneys to sue because this is their business and believes they would not advise the Board to sue or not to sue.

Mrs. Holness shared how this topic had been discussed since she began serving on the Board and how this was one of those arrangements that did not work out, even though there were good intentions. She stated the Board would need to look at the good will they could lose and the amount of money that would be spent. She stated they could lose more than they would gain. She believes the community has seen how much the Board cares and feels it is time to move forward and acknowledge they did try.

Mrs. Hosseini explained after listening to the discussions and having spoken to Dr. Eaton she was willing to move forward to help the College and its new president. She was hopeful the community understood the
need for the College to move forward and to do what is right for its students and to focus on moving forward with other projects. Dr. Recascino shared how this has deeply hurt individuals and the community for over a year and a half. She stated in weighing the pros and cons thought of how this would impact the College now and into the future. She believed it was time to put this to rest and did not believe the College could recoup much. She shared a lawsuit would take far longer than anticipated and did not see any benefit in pursuing further.

Mrs. Haas appreciated hearing everyone’s perspective and stated she would have liked to have seen the College compensated for its loss. She stated the Board has the fiduciary commitment to the institution and in the end this would not yield the College any compensation and would only incur more expense.

Mr. Davis asked about mediation and what has occurred to date. Mr. Babb indicated there was one meeting with the attorney and mediation was scheduled but was cancelled as the insurance company would not attend. Mr. Davis explained when he met with Governor Scott he indicated to him he wanted the $1.5 million and wanted to hear the financial risks from Holland and Knight in person.

Mrs. Brosemer indicated when Mr. Nate Adams, attorney with Holland and Knight made a presentation to the Board he discussed the strengths and weaknesses of the claim and would also like to hear from Holland and Knight again but would respect the decision of the Board.

Mrs. Hosseini explained the Board has done the right things, made the tough decisions and asked the Board to look at the decision from a business perspective. Mrs. Haas wanted to be certain this was not forgotten so these kinds of things do not happen again.

MOTION: (Freckleton/Holness) The District Board of Trustees cease and desist from pursuing any legal action against the Community Cultural Foundation (CCF) board. Motion passed by the following vote:

- Brosemer - Yes
- Davis - No
- Freckleton - Yes
- Haas - Yes
- Holness – Yes
- Hosseini - Yes
- Lewis - Yes
- Recascino - Yes
- Tanner - Yes

Mr. Tanner explained if polices had been followed this would not have occurred. He shared new polices are in place and are reviewed periodically; the Board appointed an internal auditor who reports directly to the Board chair; and they have hired an attorney who represents the Board. He felt safeguards against this happening again are in place.
A. **Curb Agreement Update**
Mr. Babb explained Mr. Curb’s property has been deeded back to him and he is still willing to donate $100,000 a year for five years which would be an endowment used for scholarships for music and art students. He indicated the initial question for the Board was the acceptance of the name which would be the College of Arts and Music. Mr. Tanner was uncertain of the academic requirements for a name and asked Dr. Eaton to address this. Dr. Eaton explained previously the name was the College of Arts, Music and Science, and how colleges change their structure and it could be awkward to have a college within a college. They have suggested the Center for Arts and Music within the College of Arts and Science. Mrs. Hosseini explained the College should start fresh with a new agreement and would not want to modify the previous contract that was never presented to the Board for approval. She wanted the College to be able to negotiate freely what it wanted and then bring forward to the Board.

Mrs. Hosseini departed the meeting at this point.

Mr. Freckleton felt there were structures in place and would like the College to continue to negotiate with a new slate and put forward what is in the best interest of the institution.

Dr. Recascino explained academic tradition and how this could lead to problems in fiscal management and would like go back to the drawing board. She felt the Board should redevelop and reestablish a relationship with Mr. Curb before moving forward. Mr. Babb indicated a new agreement had been started and was asking for input on the naming.

Mrs. Brosemer concurred the College should start with a new agreement.

Mrs. Haas concurred with others and would like to come to an agreement that is in the best interest of the College. Mr. Babb indicated Mr. Curb would like to establish a relationship with the Board.

Mr. Lewis felt it would be wonderful to have an endowment for student scholarships and understood the Board would like a new agreement and did not want to change a structure to a person’s need.

XI. **TIME RESERVED/BOARD CHAIR**
Mr. Lewis explained the Board held a retreat prior to the meeting and how this will help them do their jobs better and discussed the development of goals for the board and president and how to evaluate these goals. He shared the Board developed the following goals and explained each goal.

1. Students First/Student Participation
2. Community/State Relations and Perceptions
3. Two-Five Year Vision
   - Maintain Institutional Quality (state of the art facilities, technologies, and student success)
   - Competiveness (college of choice for education)
   - Address Economic and Workforce Needs
4. Strengthening Relationships
   - Trustee to Trustee
   - Board to President
   - Team/Communications/Trust
5. Undertake Policy Updates and Comprehensive Reviews, Professional Education
6. Finalizing Unresolved Issues

He indicated the Board will conduct an end-of-year review to evaluate the accomplishment towards these goals.

A. Board Professional Development Opportunities
Mr. Lewis presented upcoming developmental opportunities and explained the Association of Florida Colleges’ Annual Conference will be in October and suggested Board members attend if they are able.

B. Approval of Association of Governing Boards Membership Renewal for 2012-2013
Dr. Eaton presented for consideration.

MOTION: (Brosemer/Freckleton) The District Board of Trustees will not renew its Association of Governing Boards membership. Motion carried unanimously.

Mrs. Haas stated the Board may want to revisit this membership in the future.

XII. TIME RESERVED/CONSTITUENT HEADS
Reports were presented by Ms. Mary Bruno for Ms. Cass Fowler, Administrators Council President; Mr. Barry Gibson, Faculty Senate President; Mr. Hector Valle, Professional Council President, and Ms. Cathy Webb, Student Government Association President.

XIII. TIME RESERVED/BOARD MEMBERS
Mr. Davis commented that PECO funds may be requested to be returned based on discussions by the Governor and legislature.
Mr. Freckleton explained he was going to be alright and Mr. Lewis explained Mr. Freckleton was diagnosed with breast cancer and how he had surgery and is doing well.

Mrs. Haas thanked fellow trustees and was honored to be a part of the Board and was delighted to be able to disagree agreeably.

Mrs. Holness shared it was a wonderful day getting to know the trustees during the retreat and thanked Mr. Lewis for his leadership.

Mr. Tanner appreciated Mr. Lewis’ leadership and how his point of view helped during the discussion regarding CCF.

Mr. Lewis shared how he had been on campus at the start of the semester and how busy the parking lots were.

XIV. ADJOURN
Mr. Lewis adjourned the meeting at 6:30 p.m.

Date of next regular meeting: February 16, 2012.