MINUTES: February 18, 2010  
(Meeting conducted again March 11, 2010)

MEETING: DAYTONA STATE COLLEGE  
DISTRICT BOARD OF TRUSTEES

PLACE: DAYTONA STATE COLLEGE  
DAYTONA BEACH CAMPUS’ THEATER CENTER  
BUILDING 220, ROOM 102  
1200 W. INTERNATIONAL SPEEDWAY BLVD.  
DAYTONA BEACH, FLORIDA

PRESENT: Dr. Kent Sharples, Secretary/President  
Mr. John Graham, Acting Chairperson  
Dr. Mary Bennett  
Mr. William Davison  
Mrs. Mary Ann Haas  
Mrs. Forough Hosseini  
Dr. Steven Miles  
Mr. Joseph Petrock  
Mr. Edward Schatz  
Mr. Gregory Smith

I. CALL TO ORDER  
Mr. Graham called the Board meeting to order at 4:00 p.m. and welcomed everyone in attendance. Mr. Graham explained there will be two Board meetings conducted this day, a redo of the February 18, 2010 meeting, followed by the March 11, 2010 Board Meeting. He explained at the February 18, 2010 meeting there was an unexpectedly large crowd and due to fire codes all in attendance could not be accommodated in the meeting room. Two legal opinions were obtained and both concluded that the February 28, 2010 Board meeting was a legally valid meeting, but the Board and College is committed to open and public access and chose to redo the meeting to provide access to those who wanted to attend or speak during public participation. Mr. Graham shared public participation forms would continue to be accepted until the end of the public participation segment to provide time for those interested in speaking to sign up.

II. CALL FOR ELECTIONS – CHAIRPERSON/VICE CHAIRPERSON  
Mr. Graham clarified he is the vice chairperson but is acting chairperson for this meeting due to the resignation letter of February 22, 2010 submitted by Mrs. Forough Hosseini indicating her resignation from the position of Board chair effective immediately. Mr. Graham shared due to the chairperson vacancy an election will be held at the April Board meeting to elect a new chairperson and handed out a nomination form.
He indicated the nomination form would be completed by each Board member, turned in to the President's Office prior to the next meeting, and a ballot would be prepared for an election of a chairperson at the April Board meeting. Mr. Graham also explained the newly elected chairperson would serve until the next annual election of officers which is conducted at the August Board meeting.

Dr. Miles thought it might be simpler to elect a chairperson at this meeting rather than wait and Mr. Graham replied this would be at the pleasure of the Board and thought his previous proposal would allow time to discover those who may be interested in serving as chair. Mr. Schatz asked if nominations could be made from the floor and what action would be required if the Board collectively wanted to nominate a chairperson at this meeting. Mr. Graham shared nominations could be made from the floor and a motion and second would be needed and a majority Board vote indicating the Board’s desire to do that. Dr. Miles shared he would like to ask Dr. Bennett if she would be willing to serve as chair as she has served on the Board the longest and attends every meeting, as well as College events. Mr. Graham asked for a motion to elect a chairperson at this meeting first and then the Board can move to elect a chairperson if the motion passes. Mrs. Hosseini agreed with Mr. Graham’s suggestion to do the election at the April Board meeting. Mrs. Haas concurred and felt it would be in the best interest of the Board to not rush this decision since this information was just received. Mr. Davison thought there was a method in place for dealing with a vacated Board chairperson position. Mr. Graham deferred to legal counsel who explained there are no prescribed procedures in statutes or College procedures.

**MOTION:** (Miles/Schatz) That the District Board of Trustees elect a chairperson today (3/11/10) and this person would serve through the August Board meeting. Motion carried by the following recorded vote:

- Bennett - Yes
- Davison - No
- Graham - No
- Haas - No
- Hosseini - No
- Miles - Yes
- Petrock - Yes
- Schatz - Yes
- Smith - Yes

Mr. Graham explained the Board will now entertain nominations for chairperson. Dr. Miles asked Dr. Bennett if she would like to serve and she shared she would be honored. Mr. Petrock commented Dr. Bennett
has the most years as a College trustee and how she had mentioned at a previous meeting about rotating the Board’s leadership so all who wanted to serve could have an opportunity.

Board members clarified when the chairperson would begin and it was determined, if elected, Dr. Bennett would preside over the March 11, 2010 Board meeting and Mr. Graham would preside over the February 18, 2010 Board meeting.

**MOTION:** (Miles/Smith) That the District Board of Trustees nominate Dr. Mary Bennett as chairperson effective at the March 11, 2010 Board meeting and would serve as chairperson through the August 2010 meeting when the election of officers is annually conducted. Motion carried by the following recorded vote:

- Bennett - Yes
- Davison – Yes
- Graham – Yes
- Haas - Yes
- Hosseini – No
- Miles - Yes
- Petrock - Yes
- Schatz - Yes
- Smith - Yes

Mrs. Hosseini clarified she was not in support of holding the election at this meeting and this was not a reflection on Dr. Bennett’s leadership. Dr. Miles thanked Mr. Graham for serving as acting chairperson and running the meeting.

### III. CONSENT AGENDA

A. Minutes of December 10, 2009, Regular Board Meeting  
B. Minutes of January 21, 2010, Regular Board Meeting  
C. Human Resources Recommendations  
D. Grant Applications  
E. Agreements  
F. Affiliation Agreements  
G. Budget Amendments  
H. Change Order – News-Journal Center Recording Lab  
I. Change Order – Building 200-210-520 Roof Replacement Projects  
J. Pre-qualification of Contractor for Construction Projects Board Certification  
K. Deletion of Inventory Items  
L. Out of District Field Trip Requests  
M. Out of Country Travel Request - Bahamas Recruitment Delegation  
N. Out of Country Travel Request - Dunne, Nelson

**MOTION:** (Bennett/Davison) That the District Board of Trustees approve the Consent Agenda. Carried unanimously.
IV. PUBLIC PARTICIPATION

Mr. Graham inquired if there were any members from the public that requested time to appear before the Board. Requests were received from: Dr. William Schildecker, Mr. Bobby Thigpen, Mr. W.G. Watts, Dr. Michael Avery, Dr. Howie Turner, Dr. Allan Bonamy, Ms. Susan Pate, Dr. Ram Nayar, Mr. Paul de Mange, Mr. Charles S. Knause, Mr. John Cvercko, Mr. Arne Ellgard, Dr. Pam Carbiener, Dr. Philip Fleuchaus, Mr. Al Smith, and Mr. Dan Biferie. Requests to appear before Daytona State College District Board of Trustees forms. Made an official part of the minutes as Supplemental B: 2/18/10-3/11/10.

Mrs. Hosseini asked if those persons speaking would share if they were affiliated with the College or the Board. Persons were called in order of forms received and those persons below were in attendance.

Mr. Bobby Thigpen, Daytona State College (DSC) Foundation Chairman and knows most of the Board members. Mr. Thigpen spoke on the difficulty of fundraising in the current economy and the effect of the negative publicity.

Mr. W.G. Watts shared he knew Mrs. Hosseini, Mr. Petrock and Mr. Graham and had no affiliation with the College. He explained he wanted to address the Board because of the negative newspaper article and ask the Board to work together for the betterment of the College and its students.

Dr. Michael Avery, DSC Professor, wanted to share his support for Dr. Sharples’ leadership and challenged the newspaper to stop the attacks on Dr. Sharples and to print something good and true about the College.

Dr. Howie Turner, DSC Flagler/Palm Coast Provost, spoke in support of Dr. Sharples and Dr. Spiwak’s leadership and the progress the College has made over the years and how the dissention of the Board is hurting the College.

Dr. Allan P. Bonamy, retired DSC Senior Professor and also knew various members of the Board. He shared Dr. Sharples’ vision and leadership will take the College to new heights in serving the community and how he demands the highest ethical behavior of himself and his administration. He thanked the Board for their commitment to make the College a better place to work and learn.

Ms. Susan Pate, DSC Science Department Chairperson, was proud to work at the College and expressed support for Dr. Sharples and Dr. Spiwak. She explained the phenomenal growth seen over Dr. Sharples
tenure and how the administration listens to and supports the faculty. She asked the Board to stop providing fodder for the newspaper so the focus can return to educating students.

Dr. Ram Nayar, DSC Science Department Professor, commented on Dr. Sharples humility and his extraordinary leadership and asked that everyone look at the many positive contributions by the College and not focus on the few negatives and appealed to the Board to do the right thing to move forward.

Mr. Paul de Mange, resident and former Daytona Beach Shores Vice Mayor, expressed support for Dr. Sharples who he sees as a pillar in the community and has led the College to a height of respect with the legislative delegation. He asked the Board to step back and review their emotions and be caring and respectful to one another’s views.

Mr. John “Jack” Cvercko, retired DSC Professor, shared under Dr. Sharples leadership there are opportunities for departments to try new ideas to help underprepared students and gave an example of bringing the math faculty and Student Support Center together in one building. Reiterated what other speakers shared about taking personalities out of the equation and getting back to business.

Dr. Pam Carbiener, local physician, member Halifax Health Board of Commissioners, and a member of DSC Women’s Center Board. She shared under Dr. Sharples leadership the College has developed into a superlative institution positioned to meet the needs of the region. She implored that the media and public allow the institution and the Board to return to the matter of educating and support the leadership of the College.

Dr. Philip Fleuchaus, member of the DSC Foundation Board, shared how he has gotten to know Dr. Sharples and has seen what he has done for the institution and challenged the Board to clear the air and spread the news that the College has made its mark in the community mainly because of Dr. Sharples.

Mr. Al Smith, DSC graduate, Downtown Redevelopment Advisory Board Chairman, and owner Angell & Phelps Café. He encouraged the Board to keep the momentum going forward on the Mike Curb School of Music. He shared his experience with the City of Daytona Beach’s audit and how there was a lot of time and momentum lost and fears that could happen to the College if the Board decides to pursue an audit.
Mr. Dan Biferie, DSC Photographic Sciences Chairperson, he and his wife are DSC alumni, and has a child attending DSC. He shared Dr. Sharples leadership has helped the photography department grow and hopes student housing will get back on track to accommodate this growth. He commented the College has outstanding faculty and they come not because of the money but because of the leadership.

V. FINANCES/FACILITIES
A. Finances
1. Financial Statements as of January 31, 2010
Dr. Rand Spiwak, Executive Vice President, reviewed the College’s self insured health program which continues to run a surplus of over $1 million in funds and is in good shape. Mrs. Haas inquired how much the College and employees contribute toward the health plan. Dr. Spiwak shared the College spends around $4,500 to $5,000 a year per employee but subtracting out the surplus brings it down to about $3,500. The employee spend $32.50 per month and would increase if a spouse or family was added and noted this was significantly lower than other plans. He shared student tuition and collection of fees is ahead of budget for the Spring Term. Dr. Spiwak provided an update on the Community Cultural Foundation (CCF) (formerly Daytona Beach International Festival) and how the College agreed to provide an umbrella for them to operate under for six months and the CCF now has a surplus, all bills are paid and goals have been met.

B. Facilities
1. Building 310 Roof Replacement Project Contractor – ITB #10-012
Dr. Sharples presented and recommended approval.

MOTION: (Smith/Bennett) That the District Board of Trustees accept the lowest qualified bid from R&R Industries, Inc. and direct the President or his designee to enter into a contract in the amount of $197,650, pursuant to the provisions of Florida Statute 287.057. Additionally, the President is authorized to approve up to an additional $20,000 should the project warrant it. Carried unanimously.
VI. TRUSTEE COMMITTEE REPORTS

A. Trustees Facilities Committee

Project Updates
Dr. Steve Miles, Trustees Facilities Committee Chairperson, shared the Committee reviewed five items:

Temporary Solution of the Parking Issue
Dr. Miles shared the parking situation and the steps staff had gone through to alleviate that problem using land owned by the Division of Blind Services (DBS). Dr. Sharples explained Dr. Spiwak and staff have been working to try and acquire the option to use property around the DBS facility, particularly on the north side of Willis Avenue and DBS has been very helpful. He shared there was also a one block tract that staff will be talking to them about which may allow the College to do something on a more permanent basis, which would not require the College to relocate the ball fields. There had been discussion about relocating the ball fields, which sits on about eight acres, to provide additional parking spaces for students.

Proposed Joint Board Meeting with the Volusia County School Board on the Advanced Technology College (ATC) Property
Dr. Sharples shared that the Board passed a resolution in December to meet with the Volusia County School Board with regard to the ATC land and how to utilize that acreage collaboratively or individually. There has been no progress on this subject since the last Board meeting.

Mike Curb Building
Dr. Sharples shared he met with Mr. Curb when he was in town for the Daytona 500 and discussed the relocation of the facility from the Daytona Beach Campus to the News Journal Center location. Mr. Curb was excited about the idea of this new location, which included moving the performing arts program to this facility, and about the idea of potentially bringing in the Music Hall of Fame. The Curb project has been before the Downtown/Ballough Road Redevelopment Board and is now before the City Commission. Dr. Sharples shared most of the Commissioners he has spoken to are excited about this idea and how part of this initiative is to help revitalize the entire downtown Beach Street area. He shared the concept would be to have an entertainment area around the convention center and Beach Street may become a cultural center, which also ties into the Community Cultural Foundation’s events. He shared staff have already begun meeting with architects and engineers on the redesign of the Curb building, per the Board’s authorization.
Land Acquisition Project
Dr. Sharples shared the College submitted a Request for Information (RFI) and received fourteen different 100+ acre sites which will be considered for the development of another main campus. He explained there had been some confusion on how many properties there were because of newspaper articles and this probably stemmed from some properties having the same owner or broker. He also shared that Board members will probably know someone who is involved in owning/brokering one of the 100+ acre tracts. Dr. Sharples shared as part of the RFI process, a set of criteria was developed against which each of these properties will be evaluated and scored. The criteria sheet was sent to the Board for their input and one response has been received to date and encouraged other Board members to provide input if they wanted to participate in establishing a point system for each of those criterion. Once finalized the committee will evaluate and score each of the properties and bring back to the Board in priority order. This project is moving along but is on hold until a decision is made on what to do with the procurement process.

Third Party Review of Procurement Process
Dr. Sharples explained a statement was made and embellished by The News-Journal that the procurement process was a flawed process which created much of the controversy. Dr. Sharples stated that no one is more committed to protecting the tax payer dollars the College spends on behalf of the citizens than he is and no one is more committed to open and accessible meetings, which is why the meeting was being held again. He shared he learned the next morning, after last month’s Board meeting, listening to a radio show that not everyone who wanted to attend the meeting was able to access the meeting.

Dr. Sharples shared his primary responsibility in the procurement process, as well as other processes, is to insure the integrity of the process and does this by hiring the very best people. He shared the College expends in the procurement process between $45 million and $50 million and is a highly structured process established by state statute and procedures and is routinely audited by the state auditors. He shared the College uses a variety of written instruments to insure it negotiates the best opportunity for the college to maximize the dollars spent and how the Request for Proposal (RFP) and Memorandum of Understanding (MOU) are two of those instruments. He explained the most important point in the process is it must be at arm’s length to protect its integrity, and must be free from external influences (college staff, including himself, board members, and members of the public).
Dr. Sharples explained the procurement process, which falls under Mr. Peter McCarthy's, Vice President of Administrative Services, who has years of banking experience and the process is led by Ms. Janet Parish, Director of Business Services and Mr. Sam Phillips, Associate Director, who are trained and certified in the procurement process and understand the state law. He explained once a project has been decided on, the procurement staff will select a committee of highly qualified staff appropriate to the project to define the RFP, the evaluation criteria and establish a point system for each criterion, which are all done before the RFP is sent out. The RFP is then advertised to get the highest number of bidders to select from. The RFP includes a date, time and location when the proposals are due and there are no allowances for being late. Proposals are opened in a public meeting so anyone can attend. The committee will separately score the proposals submitted and members are not allowed to talk to each other or anyone else about the selection process to protect its integrity. The committee will rank and tabulate the scores to determine the successful proposal which is then posted on the web. There is an appeal process by state statute of 72 hours for anyone to appeal the committee’s decision. Mr. McCarthy delivers the committee’s decision to senior staff, which is the first time this is seen by others, and this is the recommendation that is taken to the Board, with no exceptions.

Dr. Sharples explained the student housing MOU utilized this same procurement process and how the MOU was an agreement to move forward with negotiating with the successful proposer. He shared this MOU was binding and bound the College to negotiate in good faith to develop a series of subsequent agreements that if successful would end up in a land lease for student housing.

Dr. Sharples explained the College had spent $600,000 on six of the twelve lots needed for the student housing project and were looking for the proposer to buy the other six lots needed and donate back to the College, and the developer would build and operate the apartments with their money. The MOU was brought to the Board in October 2010 and tabled until the November Board meeting, then deferred to the Facilities Committee. At the Facilities Committee meeting members discussed whether they wanted to move forward with student housing and if not there would be no need to proceed. The Board did want to do student housing and the MOU was brought to the Board at the December 2009 meeting and the Board voted, Mrs. Hosseini voted with concern, unanimously to approve the MOU. He explained the comments regarding how this was a flawed process came after that and
shared he and Dr. Spiwak offered an apology in January, but his apology was not for a flawed process but for not recognizing the depth of the concern of some of the Board members, specifically Mrs. Hosseini. He does not believe the process was flawed or its integrity compromised.

Dr. Sharples explained after the article in the Sunday, January 24, 2010 News-Journal he turned to the state auditors, who evaluate the College and were on campus that following Monday, to look into this because there was an implication of impropriety. The state auditor’s initial response was this was an issue between the Board and the staff of the College. Dr. Sharples shared information from the Office of the Auditor General’s website which provided background on the state auditors function and how it mentions there are no more qualified or experienced independent governmental auditors than the Florida Office of the Auditor General with respect to Florida agencies and State entities. Dr. Sharples shared the College uses the state auditor as a management tool to learn how to improve the College’s processes. and how the state auditors, on March 4, 2010, have agreed to incorporate a comprehensive audit and review of the College’s purchasing procedures and all related purchasing activities and issues in their next scheduled operational audit for 2010/2011. A response has been sent asking if they could facilitate this quicker but have not received a reply to this request. Dr. Sharples shared the operational audits are done every two years and in 2009 the state auditors did a cursory review of the procurement process. He believed the Board should be comfortable with the state auditors coming in and believes to get the issue behind everyone is to have the state auditors come in.

Dr. Sharples also shared the College is one of the larger developers in Volusia/Flagler counties and has spent over the last ten years close to $200 million on capital construction staying on time and under budget. He shared the College has civil engineers on staff and has a highly qualified legal counsel, Mr. Brian Babb, who has assisted the College through the construction and acquisition legal processes over the years and has done an outstanding job for the College.

Dr. Sharples recommended that the Board allow the College to bring in the state auditors to review the procurement process so the College can move forward and continue work on the Mike Curb College of Arts, Music and Science; deal with enrollment increases, acquire 100 acres for college expansion; work on the approval of the baccalaureate in engineering technology degree program; finish
work on the A.S. degree in Music Production Technology; and have Dr. Spiwak to continue to work with the Dell Corporation to move into the electronic textbook initiative.

Dr. Miles wanted to add that the Facilities Committee had met for almost two hours and thoroughly reviewed the procurement process with Ms. Parish and Mr. Phillips and because it was a great discussion asked the staff to make the presentation again at the Board workshop, which they did but it was condensed to fifteen minutes. He shared that from these two meetings he found the procurement department is run by trained professionals who know what they are doing and go by the book. Mr. Schatz asked if action was needed by the Board on this.

Mr. Graham explained action required by the Board, in view of the events of the last several months and the questions that have come up, is a review of the procurement process. He shared the state auditor general has indicated they would do a full audit in January when they are next scheduled to come and understands the College has requested an acceleration of this visit and the question before the Board is that the form of audit or review that the Board feels is appropriate for the procurement process.

Mrs. Hosseini shared she agreed with all that Dr. Sharples said and how the College is a fantastic institution and how he has done a great job and appreciated everyone who came to the meeting.

*Mr. Davison had to depart the meeting at this point.*

Mrs. Hosseini clarified she was the one that had the problem with the MOU after reviewing the proposal and RFP. She explained the MOU was emailed the evening before the October 2009 meeting and did not have a chance to review it. She explained an RFP came to the Board in October 2008 to approve staff to work with University Student Housing and in October 2009, saw the project had fallen through with the previous vendor and a new RFP had been developed, a vendor selected and an MOU issued all in the same agenda. She shared her concerns of not receiving the information in a timely manner so the Board could review the documents more thoroughly and how this was one of the reasons she wanted to wait on the project at that time. She explained the College was also working on the 100+ acre land acquisition, trying to work with Volusia County Schools on the use of the land at the Advanced Technology College, moving the Mike Curb building the News Journal center location, as well as applying to offer a baccalaureate in engineering technology degree.
She was concerned that the Board was never asked to proceed with the issuing of a new RFP for student housing. She reviewed concerns she had expressed previously at Board meetings that included her preference to have the College utilize the six lots for parking or to relocate an administration building; preference to have College buy additional lots so they would be the sole owners; partnering with a for-profit corporation; MOU document was binding and had many areas she had issues with and wanted to obtain a second legal opinion; company not meeting the financial criteria of the RFP; and the procurement process currently utilized by the College.

She mentioned Board members only receive the recommendation and do not see the RFP or the response to the proposal by the company that is selected. She did clarify that she believes there was no impropriety on the part of Dr. Sharples and shared what failed was the process. She explained Mr. Graham worked to clarify the language in the MOU so it was not binding, but she felt the final version that was brought to her to sign was still binding and was uncomfortable signing it and proceeded to obtain a second legal opinion to protect herself, as well as the College.

Mrs. Hosseini believes any process can ultimately be improved and believes the procurement process was flawed, not flawed purposely, but it was flawed and made a motion to ask the local state delegation to advise the Board what specific office would do this review the best.

**MOTION:** (Hosseini/Haas) That the District Board of Trustees allow the local legislative delegation to advise the Board which state agency would be the best qualified to review the College’s procurement process. Motion failed by the following recorded vote:

- Bennett – No
- Graham – No
- Haas - Yes
- Hosseini – Yes
- Miles - No
- Petrock - No
- Schatz - No
- Smith – No

Dr. Sharples explained the state auditors qualifications and ethical standards and how they have no political or outside influences. He also agreed that any process can be improved and the fundamental component of what the Southern Association of Colleges and Schools (SACS) requires the College to engage in continuous improvement. He explained the financial criteria was in the RFP
because the first company could not find financing and it did not indicate a specific type of format indicating they had $2 million. After the December Board meeting he did not think anything was wrong until he received Mrs. Hosseini’s email of January 7, 2010 about being threatened and containing the December 28, 2009 legal opinion. He shared there have been many conversations and differences of opinion how any conversation is perceived and proceeded to explain the company had already sent a letter on December 27 offering to withdraw from the project. He explained at the January Board meeting he recommended the MOU be withdrawn and the project suspended based on her concerns.

Dr. Bennett shared at the last meeting the Board would welcome the state auditor who has strict criteria and this is who she would like to come in and conduct the audit.

Mrs. Hosseini explained if outside counsel (Mr. Peter Heebner) was retained to review the MOU when she expressed concern she would have been satisfied with the document based on this second opinion and the Board would not be spending endless hours on this topic.

Dr. Sharples gave Mrs. Hosseini a hug and apologized for any misunderstandings or disagreements they may have had and shared he believes the state auditor should come in and review the process. Mrs. Hosseini thanked Dr. Sharples for his apology.

Mr. Graham was pleased Dr. Sharples and Mrs. Hosseini were able to get to this point themselves, given the events of the past few months, which is why he gave complete latitude for a more than open discussion.

Mrs. Hosseini explained to Dr. Sharples that it was never personal and how he does a great job and it was always about the process.

Mr. Graham wanted to point out that the MOU that is at the heart of all of this was never executed between the College and Concord Eastridge, Inc. and was rescinded by the Board at the January 2010 Board meeting and that particular housing project is on indefinite hold.

Mr. Petrock shared he also would like the state auditor to perform the review as this agency has the qualifications and ethical standards and are not influenced by others. He reminded the Board that Dr. Sharples offered numerous times if the Board did not
want to do the project they did not have to and shared the Board never asked for outside legal help.

Mrs. Haas explained it could be advantageous for the Board to have another entity or a group of people who are well acquainted with state agencies, which removes Dr. Sharples from selecting who would come in and provide the audit.

Dr. Sharples distributed Use of the State (Legislative) Auditor document. Made an official part of the minutes as Supplemental C: 2/18/10-3/11/10.

Mr. Schatz asked Mr. Heebner to comment on the process from the state and if it is typical for state auditors to provide this service. Mr. Heebner shared the state auditors are statutorily required to do this and how they are an independent arm of the legislature. He also shared the Auditor General is noted for its independence from the political processes and this is why they are normally recommended for this type of request. He shared he believes the state auditors will be auditing the College on this process now anyway whether the Board asks them to or not.

Dr. Miles made the motion to call the question on the previous motion so the Board can vote.

**MOTION:** (Miles/Schatz) That the District Board of Trustees call the question on the previous motion. Motion passed by the following recorded vote:

- Bennett – Yes
- Graham – No
- Haas - No
- Hosseini – No
- Miles - Yes
- Petrock - Yes
- Schatz - Yes
- Smith – Yes

Mr. Graham believed the Board needed to ratify the Board’s action to have a review of the procurement process. Dr. Bennett shared she would ratify the motion to use the state auditors as the third-party source to review the College’s procurement processes and any other procedures at the College

**MOTION:** (Bennett/Smith) That the District Board of Trustees use the State Auditor to conduct the third party review of the College’s procurement process and any other procedures used at the College
Mrs. Hosseini asked if it was possible to amend the motion to ask the local legislative delegation for their help in expediting the review. Discussed identifying the local delegation and Mr. Petrock shared the chairperson of the local Volusia/Flagler legislative delegation could be contacted and all agreed that was a good idea.

**AMENDED MOTION:** (Bennett/Schatz) That the District Board of Trustees use the State Auditor to conduct the third party review of the College’s procurement process and any other procedures used at the College, and authorize staff to contact the Volusia/Flagler Legislative Delegate chairperson to help expedite the review by the State Auditor. Carried unanimously.

Mr. Graham explained Concord Eastridge, Inc. (CEI) sent a letter to the College on March 9, 2010 and because it was just received there has not been time to adequately address it and prepare a response, but shared CEI has asked that this letter be a part of the Board meeting record and felt it was important to include in this meeting. Mr. Heebner explained the letter was quite lengthy and indicates their concern about disparaging statements that have been made and are asking for an immediate cease and desist by the Board and a copy of the letter will be included in the March 11, 2010 board meeting records.

**B. Trustees Finance Committee**

**Salary Increase for Employees**

Mr. John Graham, Trustees Finance Committee Chairperson, shared the Committee met and had a lengthy discussion on salary increases for the faculty and staff. He shared given the outstanding performance by the College’s faculty and staff and adequate funds on hand, the Committee, being judicious with tax payer dollars and keeping in mind the state of the economy, recommended providing a two percent recurring increase, retroactive to July 1, 2009 and also recommended a $1,000 one-time performance payment.

**MOTION:** (Hosseini/Haas) That the District Board of Trustees approve a two percent recurring increase, retroactive to July 1, 2009, plus a $1,000 one-time non recurring performance payment. Carried unanimously.

**President’s Contract Term Extension**

Mr. Graham explained there was a motion made at the February 18, 2010 Board meeting to extend the President’s contract by one year for the period of April 18, 2009 to April 17, 2013 to bring his rolling four-year contract current. He shared the contract is
traditionally brought to the Board each year after the Board conducts the president’s evaluation at the Board Retreat, but this was not done in 2009. Mrs. Haas and Mrs. Hosseini expressed concern with the length of the contract and what the obligation was to the College if the president resigned, was terminated with or without cause and an extensive discussion ensued regarding these areas of the contract.

Mrs. Hosseini distributed draft DSC President’s Employment Contract and Severance Plan Review and Estimate – March/2010 she had prepared. Made an official part of the minutes as Supplemental D: 2/18/10-3/11/10.

Mr. Heebner reviewed details of the contract and what the College would be obligated to and explained a multi-year rollover contract, which the president has been operating under since 2000.

MOTION: (Petrock/Smith) That the District Board of Trustees amend the term of the President’s contract and be extended by one year updating the contract of the term to April 18, 2009 through April 17, 2013. Motion carried by the following recorded vote:

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<th>Name</th>
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<td>Bennett</td>
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<td>Miles</td>
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<td>Graham</td>
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<td>Petrock</td>
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<td>Schatz</td>
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<td>Hosseini</td>
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Mr. Graham explained that in Mrs. Hosseini’s resignation letter she had requested it be entered into the Board meeting records and it was determined this should be entered into the March 11, 2010 meeting records as the resignation letter was sent on February 20, 2010, which was after the February 18, 2010 Board meeting.

VII. TIME RESERVED/PRESIDENT
Dr. Sharples deferred to his comments of the February 18, 2010 meeting which are contained below:

A. Resolution of Appreciation
Dr. Sharples shared Dr. Charles Carroll will be retiring the end of February after 30 years with the College.

B. Update on Acquisition of Real Property
This item was previously reviewed under the Trustees Facilities Committee report.
C. **Update on Bachelor of Science Degree in Engineering Technology**
   Dr. Sharples shared the Division of Florida College’s staff recommended deferring approval pending justification of job demands in the College’s two counties or working with Seminole and Valencia community colleges. He has requested a delay from the March State Board meeting to the May meeting to regenerate the proposal working with the other institutions to see how this can be shared. He also mentioned he has been talking with Brevard Community College and ERAU on 2+2 relationships.

D. **Enrollment Report**
   This item was not redone.

VIII. **TIME RESERVED/CONSTITUENT HEADS**
   Mr. Graham dispensed with constituent heads reports.

IX. **TIME RESERVED/BOARD MEMBERS**
   Mr. Petrock thanked Mr. Graham for guiding the Board through a difficult process.

   Dr. Miles thanked Mr. Graham for chairing the meeting.

   Mrs. Haas congratulated Dr. Linda Miles on her appointment to the Board of Directors for the Florida Center for Nursing.

   Dr. Miles inquired if the gentleman who filed the complaint about access to the February Board meeting was present. This person was not in attendance.

X. **ADJOURN**
   Mr. Graham adjourned the meeting at 7:39 p.m.