MINUTES: 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, Corporate Secretary/President
Dr. Mary Bennett, Chairperson
Mr. John Graham, Vice Chairperson
Mrs. Mary Ann Haas
Mrs. Forough Hosseini
Dr. Steven Miles
Mr. Joseph Petrock
Mr. Edward Schatz
Mr. Gregory Smith

ABSENT: Mr. William Davison

I. CALL TO ORDER
Dr. Bennett called the Board meeting to order at 7:50 p.m. She thanked
Mr. Graham for chairing the February 18, 2010 meeting that was held prior
to the March 11, 2010 Board meeting.

Dr. Sharples explained Daytona State College began a swim team just
over a year ago and recognized the men’s and women’s swim teams for
achieving second and third place finishes at the National Junior College
Athletics Association Swimming and Diving Championships. Coach Steve
Lochte thanked the administration and Board for their support and vision
that provided an opportunity for the 60 student athletes in this program.

II. CONSENT AGENDA
A. Minutes of February 18, 2010, Regular Board Meeting
B. Human Resources Recommendations
C. Grant Applications
D. Agreements
E. Budget Amendments
F. Pre-qualification of Contractor for Construction Projects Board
Certification
G. Deletion of Inventory Items
H. Out of Country Travel Request – Avery, Brady
Item I. A. Minutes of February 18, 2010, Regular Board Meeting was pulled from the agenda as the February 18, 2010 was conducted again on March 11, 2010.

MOTION: (Miles/Petrock) That the District Board of Trustees approve the Consent Agenda. Carried unanimously.

III. PUBLIC PARTICIPATION
Dr. Bennett inquired if there were any members from the public that requested time to appear before the Board. Two requests had been received by Mr. William McMunn and Mr. Bruce Teeters but they were not in attendance. Request to appear before Daytona State College District Board of Trustees forms. Made an official part of the minutes as Supplemental A: 3/11/10.

III. FACILITIES/PURCHASING
A. Facilities
1. City of Daytona Beach RFP No. 0110-0840
Dr. Sharples explained the College is moving forward to relocate the Mike Curb building to the Beach Street location and asked the Board for authorization for staff to prepare documents in response to the City’s RFP.

MOTION: (Smith/Hosseini) That the District Board of Trustees authorize the President and staff to prepare the necessary documents and expend the necessary resources to respond to City of Daytona Beach RFP No. 0110-0940. Carried unanimously.

2. Educational Plant Survey
Dr. Sharples explained every five years the College is required to conduct this survey and shared this year the Curb building has been added as a renovation plus an addition of square feet project because it will be attached to the News Journal Center building. He shared the State looks more favorably on renovation projects than new construction and believes this will strengthen the College’s case for state funding.

MOTION: (Miles/Haas) That the District Board of Trustees approve the Educational Plant Survey. Carried unanimously.
3. **Final Completion and Final Payment – News Journal Center Recording Lab Renovation Project**
Dr. Sharples explained this recording lab and when the recording studios planned for the Mike Curb building are completed this facility will be a wonderful place for the students in the performing arts and recording programs.

**MOTION:** (Haas/Hosseini) That the District Board of Trustees approve final completion and final payment in the amount not to exceed $15,871 to Perry-McCall Construction, Inc. for the News Journal Center Recording Lab Renovation project on the Daytona Campus, as approved by the Architect and the College staff in accordance with the contractual requirements. Carried unanimously.

4. **Final Completion and Final Payment – Building 300 Server Room Renovation Project**
Dr. Sharples shared the area renovated contains the computer equipment for the College and recommended approval.

**MOTION:** (Hosseini/Miles) That the District Board of Trustees approve final completion and final payment in the amount not to exceed $50,296 to Oakwell Companies, LLC, for the Building 300 Server Room Renovation project on the Daytona Campus, as approved by the Architect and the College staff in accordance with the contractual requirements. Carried unanimously.

**B. Purchasing**
1. **Emergency Procurement – Dell Computers**
Dr. Sharples explained the College experienced a failure of its storage area network, affecting the College’s services (online instruction, email, user storage, web portal) and staff have been working day and night to try and keep the system running. He shared an emergency purchase of computer equipment was required to rectify the issues and received approval by Mr. Graham, Acting Chairperson, to proceed with the emergency purchase and is presenting to the Board for ratification.
MOTION: (Miles/Hosseini) That the District Board of Trustees ratify the purchase from Dell Computer Corporation in the amount of $231,288. Carried unanimously.

V. TIME RESERVED/PRESIDENT

A. President’s Employment Contract
   Dr. Bennett shared this item was done during the February 18, 2010 Board meeting.

B. Resolution of Appreciation
   Dr. Turner was recognized and congratulated during the February 18, 2010 Board meeting.

C. Update on Bachelor of Science Degree in Engineering Technology
   Dr. Sharples explained in January the State Board of Education meeting was canceled and how Chancellor Holcombe asked the College to work with Seminole State College and Valencia Community College. He explained the College is making great progress on this project and will have a redesign of the proposal by April 1st that will incorporate the relationships with Seminole and Valencia. He stated the proposal was going to be on the March State Board meeting agenda and the College asked for a delay to allow time to finish completing the proposal redesign. The proposal is now scheduled for the May State Board meeting and, if approved, should be able to start the Baccalaureate in Engineering Technology program in the fall term. He shared the advantage of having the engineering faculty from UCF on board is once the program is approved they can begin teaching.

D. Policy on Committees – Standing/Special
   Dr. Sharples commented this may be something to discuss at the retreat and shared there were concerns expressed about information shared at Board committee meetings that were not being received by all Board members and would like guidance on how the Board would want to deal with that. Dr. Bennett concurred and would like to defer this topic to the upcoming Board Retreat and to discuss reinstituting the workshops in conjunction with the Board meetings.

E. Policy on Board Member Requests
   Dr. Bennett suggested this item also be deferred to the upcoming Board Retreat. Dr. Sharples shared many requests are being received and asked for guidance on how the Board wanted to handle the flow of information regarding these requests.
F. Enrollment Report

Dr. Tom LoBasso, Vice President for Enrollment, reviewed the enrollment report and shared financial aid recipients increased 109% since 2006 (6,100 to 12,825+) and disburses $69 million a year, up from $26 million in 2006.

VI. TIME RESERVED/CONSTITUENT HEADS

Mr. Victor Pareja, Faculty Senate President, presented his report.

VII. TIME RESERVED/BOARD MEMBERS

Mr. Smith congratulated Dr. Bennett on being elected chairperson and thought she did a great job running the meeting.

Mr. Schatz believed a lot of progress was made at today’s meetings and looks forward to getting back to the business of Daytona State College which is teaching and learning.

Mr. Petrock explained since Mrs. Hosseini’s resignation letter will be included in the minutes he felt it was important to clarify areas in the resignation letter for the public. He shared the resignation letter mentions a conflict of interest and certain economic ties, and a motion he made to not require a third party review of the procurement processes since the Board had thoroughly reviewed the process in a Facilities Committee meeting. He explained the motion passed by a unanimous vote of the Board, 9 to 0. He explained where the resignation letter states the majority of the board has demonstrated that they will not exercise sufficient oversight of the administration; he repeated the Board voted unanimously to not require the review. He explained he attended the Facilities Committee meeting where the procurement process was reviewed for almost two hours and that Mrs. Hosseini was not in attendance, and the same presentation was conducted at the January Board meeting but was only 15 minutes long. He agreed with Dr. Miles and others, as well as Dr. Sharples, at the February Board meeting about there being a thorough review of the process and felt that a further review was not needed. He mentioned how he shared during that February meeting if the Board was accusing Dr. Sharples of doing something wrong and the process was going to be reviewed he wanted the Board, spouses and anyone external to the College who has been involved in the process to be reviewed to ensure everyone had abided by the law and the ethical standards. He felt he was being targeted in the resignation letter where it mentions “a board member who has an economic tie to Daytona State College” and explained his wife, who has been a professional cosmetologist and salon manager for 20 years before retiring, was invited to teach in the Cosmetology Department part-time as they were in desperate need for instructors and how she just recently became full-time
faculty. He shared he has disclosed this previously and asked College Counsel to advise him if something comes before the Board regarding the Cosmetology department to ensure he voted or acted properly and stated he takes his fiduciary responsibility very seriously. He discussed conflict of interest and how he knows, as most Board members will also probably know most of the persons who have submitted proposals for the property acquisition project. He shared as long as a Board member discloses their relationships there is no problem. He gave examples of proper disclosures by Mr. Davison, former president of SunTrust Bank, SunTrust provided a multimillion dollar loan to the College and Mrs. Hosseini’s sister-in-law had done work for the College, and how he disclosed his wife works in the Cosmetology Department at the College. He also shared Mrs. Haas spouse is employed by ICI Homes and how the Board has to disclose every issue. He shared if the Board actions do not continue to be handled in a professional manner some donors are going to pull out as was the case recently and he wanted to ensure the Foundation does not lose donors for the future.

Mrs. Haas was concerned with Mr. Petrock’s statement concerning where a Board member or their spouse was employed and did not understand why there would be a need for this disclosure.

Mr. Petrock commented where there is a potential conflict this should be disclosed and if this is done then there would be no issue.

Dr. Miles verified with legal counsel that the statements in the letter, that contained comments about a flawed proposal and flawed MOU are statements written as fact or opinion. Mr. Heebner explained it is simply a statement of opinion by a member of the Board who wishes those opinions to be made a part of the record and has no more substantive value other than that.

Dr. Miles commented he thought the paragraph was uncalled for where it mentions “it is reasonable for board members to trust the administration, but that does not excuse them from discharging their fiduciary responsibility which is to spend the time and effort to diligently review the administration’s recommendations.” He explained this says to everyone that he is not doing his job on the Board and does not believe that is correct. He explained he and his children are a product of the public school systems and wanted to serve on the Board as his children are now entering college. He shared how he and his wife have given countless hours working to make the public educational system in this community better. He shared that he believes all Board members have put as much time and effort into this process as Mrs. Hosseini and it comes down to a difference of opinion but, it does not mean the Board is not doing their job correctly.
Mrs. Hosseini clarified her letter of resignation is her opinion and that was how it was written. She shared a conflict of interest is disclosed when it is with Daytona State College and who works for whom or what happens in other entities was beside the point. She shared Mr. Petrock has mentioned previously about the law firm representing the student housing proposer and thought this should be looked into to clear the air about this comment. She shared what she wrote in the letter was her opinion and what is spoken in a public Board meeting was completely different.

Dr. Miles commented on the statement in the letter “Full blind trust, without adequate due diligence, is not fulfilling the dutiful role of a TRUSTEE” and how this statement is being made public in this Board meeting, and how this implies he is not doing his role as a trustee, and he did not understand the difference as both are being made public. He shared when he accepted the Board appointment he researched the responsibility of a trustee and how he received a notebook from the Association of Community College that included exactly what the duties and obligations are of a trustee and believes this is something that needs to be reviewed at the April workshop so all Board members understand their role.

Mr. Petrock clarified when he had questioned College Counsel previously if they had met with an attorney involved in the RFP process and it was indicated they had met with an outside attorney.

Mr. Babb shared he has met with many attorneys in this particular law firm on different projects and shared the Advanced Technology College and the naming rights of the News Journal Center were two of those projects.

MOTION: (Schatz/Miles) That the District Board of Trustees include Mrs. Forough Hosseini’s resignation letter of February 20, 2010 and made an official part of the minutes as Supplemental B: 3/11/10 of the March 11, 2010 Board meeting minutes. Carried unanimously.

Dr. Bennett shared the Board needed to include the March 9, 2010 letter from Concord Eastridge, Inc. (CEI) in the minutes of this meeting.

MOTION: (Miles/Hosseini) That the District Board of Trustees include the March 9, 2010 letter from Concord Eastridge, Inc. and made an official part of the minutes as Supplemental C: 3/11/10 of the March 11, 2010 Board meeting minutes. Carried unanimously.

VIII. ADJOURN
Dr. Bennett adjourned the meeting at 8:35 p.m.

Date of next regular scheduled meeting: April 15, 2010.