

**MINUTES: August 25, 2011**

**MEETING: Daytona State College  
District Board of Trustees**

**PLACE: Daytona State College  
Daytona Beach Campus  
Building 100, Room 402L  
1200 W. International Speedway Blvd.  
Daytona Beach, Florida**

**PRESENT: Dr. Carol Eaton, Corporate Secretary/President  
Mr. John Tanner, Chair  
Dr. Christina Frederick-Recascino, Vice Chair  
Mrs. Donna Brosemer  
Mr. Bob Davis  
Mr. Lloyd Freckleton  
Mrs. Mary Ann Haas  
Mrs. Betty Holness  
Mrs. Forough Hosseini  
Mr. Dwight Lewis**

**Board Meeting began 2:02 p.m.**

*Distributed prior to meeting. Revised second page of agenda (Page 3). Made an official part of the minutes as Supplemental A: 8/25/11. Resolution of Appreciation – Attachment 29 (Page 547). Made an official part of the minutes as Supplemental B: 8/25/11.*

**I. CALL TO ORDER**

Mr. Tanner called the meeting to order at 2:02 p.m.

**II. ROLL CALL**

Mrs. Hosseini was absent during roll call but arrived after the start of the meeting.

**III. PUBLIC PARTICIPATION**

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

**IV. COMMUNITY CULTURAL FOUNDATION PRESENTATION**

Mr. Tanner introduced Mr. Nate Adams, legal counsel with Holland & Knight law firm. Mr. Adams explained after reviewing facts and documents of this case his law firm is of the view that there is a solid case for liability and it was clear the College has suffered damages. He indicated the Board will need to decide if the recovery is worth the effort of the Board to pursue and if this is in the best interest of the College and its relationships outside of the College. He explained the facts

and documents were presented to the Attorney General's office and they indicated they would not pursue litigation in this case. Mr. Adams discussed options for the Board's consideration which were: take no action; pursue negotiated resolution through mediation or another form; pursue negotiation in light of litigation; or to litigate. He discussed what dollars might be recovered from the directors and officers (D&O) (\$1 million) insurance policy; who might be named in the litigation; the length of time for a lawsuit which is anticipated to be a minimum of two years; and costs associated with pursuing. Board members stated this issue is being watched closely and could affect future funding for the College based on the outcome and how they will need to show due diligence in determining the best course of action. The Board wanted to be sensitive to persons who serve on the CCF Board but felt the personal aspect should be taken out of the equation when making the decision. Mr. Tanner reviewed his meetings with the CCF Task Force and how the suggestion to raise funds by bringing in the LSO was not a viable solution. Mr. Tanner turned the meeting over to Dr. Recascino.

Mr. Tanner explained that if the Board did file a lawsuit and obtained a mediated resolution it would be less than the total D&O policy, and believed it would be resolved in less than a year. He explained after paying attorneys, the amount of recovery received would not be much, but it may make some of the community and Board members feel better. He shared how sometimes it is not in the best interest of a business to sue and believed it could damage relationships with people that have traditionally supported the College and felt it was not in the best interest of the students and the College as a whole.

Mrs. Brosemer indicated that the community needed to understand that if the Board takes legal action it is for the purpose of getting to the insurance policy and was not personal. Dr. Recascino returned the meeting to Mr. Tanner. Mrs. Hosseini believed it is part of the Board's responsibility to pursue the insurance policy and Mr. Adams explained litigation is a dynamic process and many things can happen and recovery is not guaranteed. Mr. Tanner asked if the College moved forward with a simple complaint, not singling out any parties; would that bring the insurance company to the table; and could this potentially lead to a settlement offer and Mr. Adams agreed it would.

**MOTION:** (Freckleton/Lewis) The District Board of Trustees authorize the attorneys to pursue mediation with CCF and report the results back to the Board at the next meeting.

**AMENDED MOTION:** (Freckleton/Lewis) The District Board of Trustees authorize the attorneys to pursue a formal third party mediation with CCF and report the results back to the Board at the next meeting. Motion carried unanimously.

Dr. Recascino asked about the statute of limitation and Mr. Adams explained it is okay at this time but this will need to be kept in mind and should not prolong further.

Mr. Tanner adjourned the meeting at 3:21 p.m. for a brief break. The meeting was called to order at 3:29 p.m. Roll call was taken and all Board members were present.

## **V. ELECTION OF OFFICERS**

### **A. Election of Officers**

*Distributed nominations for Chair and Vice Chair. Made an official part of the minutes as Supplemental C: 8/25/11.*

Mr. Tanner turned the meeting over to Dr. Eaton to conduct the election of officers. Dr. Eaton explained two nominations, Mrs. Haas and Mr. Lewis, were received for the office of Chair and asked if there were any other nominations from the floor, which there were none. Mrs. Haas appreciated the nomination but withdrew her name from consideration due to a busy schedule during the upcoming year. Roll call vote was taken to accept Mr. Dwight Lewis for the office of Chair, which was unanimously approved.

Dr. Eaton explained two nominations were received for the office of Vice Chair, Mrs. Haas and Dr. Recascino, and asked if there were any other nominations from the floor, which there were none. Mrs. Haas also appreciated the nomination but withdrew her name from consideration. Roll call vote was taken to accept Dr. Tina Recascino for the office of Vice Chair, which was unanimously approved.

Dr. Eaton turned the meeting over to Mr. Lewis. Mr. Lewis thanked the Board and shared it was an honor to serve as Chair and thanked Mr. Tanner for doing a great job over the last year and during tough times.

## **VI. PUBLIC HEARING – POLICIES**

### **A. Final Reading - Policy 2.06: Telephonic Board Meeting Attendance** Policy 2.06 was presented for approval.

**MOTION:** (Recascino/Freckleton) The District Board of Trustees approve the final reading of new College Policy 2.06, as presented to the Board. Motion carried unanimously.

### **B. Final Reading - Policy 3.01: Standard of Ethics and Professionalism for Public Officers and Employees of Agencies**

Policy 3.01 was presented for approval. Mrs. Haas stated this policy was put together well and thought it would be good to distribute to all employees.

**MOTION:** (Freckleton/Davis) The District Board of Trustees approve the final reading of revised College Policy 3.01, as presented to the Board. Motion carried unanimously.

**C. Final Reading - Policy 5.08: Contracting Authority**  
Policy 5.08 was presented for approval.

**MOTION:** (Holness/Hosseini) The District Board of Trustees approve the final reading of revised College Policy 5.08, as presented to the Board. Motion carried unanimously.

**VII. CONSENT AGENDA**

- A. Minutes of June 16, 2011 Regular Board Meeting
- B. Minutes of June 22, 2011 Special Board Meeting
- C. Minutes of July 7, 2011 Special Board Meeting
- D. Agreements
- E. Agreements - Affiliation
- F. Budget Amendments
- G. Foundation Dinner, September 22, 2011
- H. Grant Applications
- I. Human Resources Recommendations
- J. Inventory Deletion and Donation Report - Fixed Assets
- K. Pre-qualification of Contractor of Construction Projects  
Board Certification

Mr. Lewis asked if there were any items the Board would like pulled from the Consent Agenda. Mr. Davis requested Item VII.D. Agreements be pulled due to an agreement with the Volusia Literacy Council. Mr. Davis serves on the board of this council.

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

**MOTION:** (Tanner/Recascino) The District Board of Trustees approve Item VII.D. Agreements. Motion carried with Mr. Davis recusing himself.\*

\*Mr. Davis serves on the Volusia Literacy Council board of directors.

**VIII. ACADEMICS**

- A. Scholarships for K-12 Teachers of Senior Education Interns**  
Dr. Eaton introduced Dr. Michael Vitale, Vice President for Academic Affairs, who reviewed the scholarship proposal which would offer one, three-credit hour undergraduate course to either the cooperating teacher of a senior intern or a member of his/her immediate family.

**MOTION:** (Hosseini/Davis) The District Board of Trustees approve funding in the amount of \$33,204 and authorize the transfer of funds from Auxiliary Fund 3 to Auxiliary Fund 5 for the tuition scholarship for those K-12 instructors serving as cooperating teachers for Daytona State College senior interns. Motion carried unanimously.

**B. WDSC Television Station**

Dr. Vitale explained he will be working to incorporate academics into the television station and shared how there is currently a certificate program that allows student to intern at the station. He plans to bring ideas forward on the television station's role in academics so trustees may also have an opportunity to provide input.

**IX. FINANCE / ENROLLMENT / FACILITIES**

**A. Finance**

**1. Financial Summary for July 2011**

Mr. Dennis Micare, Chief Financial Officer, reviewed the July 2011 information reports which included revenue and expenses by Fund, General Operating Fund 1 revenues and expenses, student fee collections, summary of unallocated funds, and current renovation projects.

**2. Annual Financial Report**

Mr. Micare reviewed the Annual Financial Report which is submitted to the Division of Florida Colleges as the official Document of the College's financial position at fiscal year-end June 30, 2011.

**3. Auxiliary Fund 3 Transfer Request**

Mr. Micare reviewed requests to transfer Auxiliary Funds for the period July 1, 2010 – June 30, 2011.

**MOTION:** (Hosseini/Davis) The District Board of Trustees approve the establishment of an account to support Adult Education salaries for adjuncts who worked at the state prison facilities in the amount of \$98,199, moving funds from General Current Fund 1 to the Auxiliary Fund for the period July 1, 2010-June 30, 2011. Motion carried unanimously.

**MOTION:** (Hosseini/Holness) The District Board of Trustees approve the transfer of \$52,185.08 from Auxiliary Funds to Fund 5 Scholarship Fund for athletic book scholarships for the period July 1, 2010-June 30, 2011. Motion carried unanimously.

**MOTION:** (Hosseini/Haas) The District Board of Trustees approve the transfer of \$16,881.22 from Auxiliary Funds to Fund 5 Scholarship Fund for additional athletic scholarships for the period July 1, 2010-June 30, 2011. Motion carried unanimously.

**MOTION:** (Tanner/Freckleton) The District Board of Trustees approve the transfer of \$1,217,419 from Auxiliary Funds to Fund 1 General Current Fund for the former president's payout for the period July 1, 2010-June 30, 2011. Motion carried unanimously.

**4. Checks Issued Greater Than/Equal to \$50,000**

Mr. Micare reviewed and presented as information to the Board.

**MOTION:** (Brosemer/Recascino) The District Board of Trustees accept the report as presented. Motion carried unanimously.

**5. Daytona State College Foundation Audit for Years Ended December 31, 2010 and 2009**

Mr. Micare explained the annual independent audit of the College's Foundation found no findings or discrepancies.

**MOTION:** (Freckleton/Holness) The District Board of Trustees accept the report as presented. Motion carried unanimously.

*Order of agenda items changed to allow replacement of projector light bulb.*

**C. Facilities**

**1. Final Completion and Final Payment – Building 200 – 3<sup>rd</sup> and 4<sup>th</sup> Floor Remodel/Renovation**

Mr. Peter McCarthy, Vice President of Administrative Services, reviewed details of the project and presented for approval.

**MOTION:** (Recascino/Haas) The District Board of Trustees approve final completion and final payment in the amount of \$14,933 to Hall Construction Co., for the Building 200 – 3<sup>rd</sup> and 4<sup>th</sup> Floor Remodel/Renovation project on the Daytona Campus, as approved by the Architect and the College staff in accordance with the contractual requirements. Motion carried unanimously.

**2. Final Completion and Final Payment – Building 200 – 3<sup>rd</sup> Floor Classroom Lighting Project**

Mr. McCarthy reviewed details of the project and presented for approval.

**MOTION:** (Holness/Freckleton) The District Board of Trustees approve final completion and final payment in the amount of \$47,299 to Ovation Construction, Inc. for the Building 200 – 3<sup>rd</sup> Floor Classroom Lighting Project on the Daytona Campus, as approved by the Architect and the College staff in accordance with the contractual requirements. Motion carried unanimously.

**3. Final Completion and Final Payment – Building 510 – Cosmetology Remodel Project**

Mr. McCarthy reviewed details of the project and presented for approval.

**MOTION:** (Haas/Freckleton) The District Board of Trustees approve final completion and final payment in the amount of \$38,483 to A.M. Weigel Construction, Inc. for the Building 510 Cosmetology Remodel Project on the Daytona Campus, as approved by the Architect and the College staff in accordance with the contractual requirements. Motion carried unanimously.

Dr. Recascino suggested the Board may like to come early to a meeting to tour areas that have been renovated. Dr. Eaton thought that would be a great idea and would arrange this prior to next month's Board meeting.

**B. Enrollment**

**1. Enrollment Report**

Dr. Tom LoBasso, Senior Vice President for Enrollment and Student Development, reviewed enrollment for summer which is down over eight percent compared to last year, and fall enrollment is also experiencing declines. He noted based on the budgeted target for fall, fee paying students are down just over four percent. He reviewed reductions in Adult Education enrollment which has been impacted by new legislation requiring students to pay, show residency, and they can no longer offer this program at state prisons. Dr. Recascino mentioned employers may be interested in providing matching funds for their employees to obtain their GED. Dr. LoBasso shared staff are looking at ways to help these students

mitigate the financial hurdles and how they have been in discussion with the Foundation to assist in fundraising and scholarships for this population. Mrs. Hosseini shared the price of the test is a hurdle for many and would like staff to look at ways to help these people so they may help themselves and their families.

Dr. LoBasso reviewed enrollment by campuses and what factors could be influencing enrollment, which included new financial aid regulations, lower number of high school graduates, and declining population in key age groups. Dr. LoBasso reviewed factors that were specific to the decline at the New Smyrna Beach-Edgewater campus. He also reviewed enrollment at other institutions.

*Agenda returned to order.*

## **X. MONTHLY STATUS REPORTS**

### **A. Internal Auditor**

Ms. Isalene Montgomery, Internal Auditor, explained she is working on different departmental reports and is transitioning out of her previous role in Alternative Student Services. She also indicated she works closely with the State auditors on reports the College receives.

### **B. Foundation**

Mrs. Donna Sue Sanders, Vice President Institutional Advancement/ Foundation Executive Director, explained the Foundation is currently working on the Championship Gala honoring Mr. Bert Reames which will be held September 22<sup>nd</sup>. She indicated they are working to secure additional sponsorships and have raised \$65,000 to date and hope to reach \$120,000. She stated the Foundation has awarded almost one million dollars in student scholarships since the spring semester. Mrs. Haas asked the Board for their help through their network of business contacts to support the Foundation's fundraising initiatives. Mrs. Hosseini pledged \$1,000 towards a scholarship fund to assist GED/Adult Education students in paying for their courses or exams. Mr. Lewis thanked Mrs. Haas for serving on the Foundation's board of directors.

### **C. SACS Update**

Dr. Nancy Morgan, Associate Vice President of Accreditation, Compliance and Contracts, reviewed the submission and outcome of the College response to the Special Visiting Committee's report. The College is required to submit a monitoring report in April 2012 that will show the College is continuing to look at issues addressed in the SACS response. Dr. Morgan explained the Dental Hygiene and Dental Assisting programs have been re-accredited by the Commission on Dental Accreditation through 2018, and the Occupational Therapy Assistant program received its ten year accreditation from the Accrediting Council for Occupational Therapy Education.

## **XI. TIME RESERVED/BOARD CHAIR**

### **A. Board Professional Development Opportunities**

Mr. Lewis explained development opportunities for trustees are invaluable and encouraged Board member to attend when their schedule permits. Mrs. Brosemer reported on her recent attendance at ACCT's Governance Leadership Institute held in August and how it was an opportunity to meet other trustees from across the country and share experiences. *Distributed ACCT Governance Leadership Institute information packet. Made an official part of the minutes as Supplemental D: 8/25/11.* Dr. Eaton also endorsed trustees attending these national conferences. Mrs. Brosemer suggested a refresher course on the Sunshine Law and thought it would be helpful for an overview of Robert's Rules of Order and Dr. Eaton suggested this could be done during a Board Retreat.

## **XII. TIME RESERVED/PRESIDENT**

### **A. NEW BUSINESS**

#### **1. Amendments to Salary Administration Plan and President's Employment Agreement**

Mr. Brian Babb, Executive Vice President/General Counsel, explained changes to the Salary Administration Plan and the President's Employment Agreement. Mr. Jon Kaney, Board's Legal Counsel, explained the deletion of the super majority language to the President's Employment Agreement. Mr. Tanner stated the removal of language from the president's agreement changes the Board's commitment to the president and would like this researched further to see if the original terms of the contract can be honored.

**MOTION:** (Tanner/Freckleton) That the District Board of Trustees request the attorneys for the College and Board, and the Chief Financial Officer, research and consult with the necessary State authorities if the Board can abide by the original terms of the contract with regard to compensation, if funding comes from a different source. Motion carried unanimously.

Mr. Babb indicated they have spoken to the State auditors about the use of Auxiliary or Foundation funds and they had indicated this could not be done. He explained this does not apply to universities and would revisit with the State auditors.

**MOTION:** (Tanner/Recascino) That the District Board of Trustees approve the submitted changes to the 2011-2012 Salary Administration Plan and the President's Employment Agreement. Motion carried unanimously.

**2. Property Lease Agreements**

Mr. Babb explained the College has been working on land transfers with the Division of Blind Services and parcels that currently house the American Red Cross and Lions Club. Mr. Eckman reviewed an aerial photo of the property that will be transferred between the Division of Blind Services and the College and how this will benefit both entities in their future growth.

**MOTION:** (Freckleton/Haas) That the District Board of Trustees approve the four property agreements listed below. Motion carried unanimously.

- 1) Internal Improvement Trust Fund, State of Florida, Department of Education – Partial Assignment and Assumption of Lease Number 3150.
- 2) Internal Improvement Trust Fund, State of Florida, Department of Education – Amendment Number 2 to Lease Number 3150.
- 3) State of Florida, Department of Education, Division of Blind Services – Daytona Beach Lions Club To Quit Premises And To Relocate
- 4) State of Florida, Department of Education, Division of Blind Services – Lease Acknowledgment

**3. Legislative Case Statement Insert**

Mrs. Sharon Crow, Senior Vice President, Governmental Relations, reviewed the annual preparation of the Legislative Case Statement and the recommended positions on various substantive and budget issues.

Mr. Tanner departed the meeting at this point.

**MOTION:** (Hosseini/Haas) That the District Board of Trustees approve the Legislative Case Statement insert, as presented to the Board. Motion carried unanimously.

**4. Resolution of Appreciation**

Mr. Lewis read the Resolution of Appreciation for Mr. Frank Lombardo.

**WHEREAS**, Frank Lombardo has been a valued and trusted employee of Daytona State College since 1980; and

**WHEREAS**, he has served with distinction and integrity during his career as a member of the mathematics faculty and chairman of the mathematics department and inspires and motivates his students and fellow faculty to always reach higher and strive for excellence; and

**WHEREAS**, he served with great dedication as Senior Vice President for Academic Affairs, advocating on behalf of faculty and scholastic quality, and always placing students at the center of the institutional mission; and

**WHEREAS**, he played a leading role in Daytona State's pursuit of Level II status and its ultimate authorization by the state of Florida and the Southern Association of Colleges and Schools to award baccalaureate degrees; and

**WHEREAS**, he assumed the role of Interim President of Daytona State College in November 2010; and

**WHEREAS**, during this period, he demonstrated great leadership, improving relationships, creating new ones, and helping to redirect the institution through his collaborative style, his passion for teaching and his genuine love for the college, its students and its employees; and

**WHEREAS**, he has been a man of great generosity, always a willing participant in college fund raisers and, often, providing his own personal financial assistance to students in need; and

**WHEREAS**, while he earned the stature and respect of a college president, he also possessed the humility and grace to insist that his colleagues continue to address him as "Frank"; and

**WHEREAS**, he will forever be a cherished and lifelong friend of Daytona State College.

**THEREFORE, BE IT RESOLVED** that this Resolution of Appreciation for Frank Lombardo be read into the official minutes of the August 25, 2011 meeting of the Daytona State College District Board of Trustees and that a signed copy of this document be presented to him at an appropriate time.

Mr. Davis suggested that the Volusia County Council approve a Frank Lombardo Volusia County day. Mr. Lewis thought that was a great suggestion and asked Mrs. Mary Bruno to work on this.

**MOTION:** (Haas/Holness) That the District Board of Trustees approve the Resolution of Appreciation for Mr. Frank Lombardo. Motion carried unanimously.

**XIII. TIME RESERVED/CONSTITUENT HEADS**

Reports were presented Ms. Cass Fowler incoming Administrators Council President; Ms. Lori Lemoine, Career Employees Association President. *Distributed Career Employee Association brochure. Made an official part of the minutes as Supplemental E: 8/25/11.* Reports continued with Mr. Barry Gibson, Faculty Senate President; Mr. Hector Valle, Professional Council President; and Ms. Catheryne Webb, Student Government Association President;

**XIV. TIME RESERVED/BOARD MEMBERS**

Mrs. Hosseini welcomed Dr. Eaton and was delighted she was here and thanked Mr. Lewis and Dr. Recascino for serving as Chair and Vice Chair. She stated her priorities for the coming year would be partnerships with other colleges and universities, and lobbying for funding for classroom construction.

Mrs. Hosseini departed the meeting at this point.

Mrs. Holness welcomed Dr. Eaton and shared how she has heard wonderful comments about her. She was supportive of Mrs. Hosseini's proposed priorities. She felt that with Dr. Eaton and Mr. Lewis's leadership the community will continue to heal.

Mrs. Haas thanked Dr. Eaton for accepting the presidency at Daytona State and was looking forward to a bright future. She stated she was pleased Mr. Lewis was selected Chair and how Mr. Tanner served admirably during his term as Chair and thanked Dr. Recascino for serving another year as Vice Chair.

Mr. Freckleton welcomed Dr. Eaton and commented how the Board will continue to look out for the betterment of the College and its students and with Dr. Eaton at the helm he was sure that will be done and wished her much success.

Mr. Davis welcomed Dr. Eaton and commented on his recent experience enrolling his grandson at the College and thanked the Admissions department staff for all of their help. He thanked Mr. Babb and Mr. Kaney for the great job they did on the ethics policy.

Mrs. Brosemer welcomed Dr. Eaton. She mentioned how she would like to see the College partner with businesses more and by working closely with business owners this would ensure students have the necessary job skills needed by their employers.

Dr. Recascino commented how fall is an exciting time of the year for educational institutions and felt there is optimism in the air, and with a new president and new students, the College is off to a great start.

Mr. Lewis commented it was a good meeting and explained the Board may debate issues but will always come together to do what is right for the College. He welcomed Dr. Eaton and was proud that she was here. He indicated his support of partnering with other institutions and how this is helpful for students when transferring college credits.

**XV. ADJOURN**

Mr. Lewis adjourned the meeting at 5:47 p.m.

**Date of next regular meeting: September 15, 2011.**