

**APPROVED, November 14, 2005**

**Board of Trustees Minutes  
Montgomery Community College  
October 10, 2005**

The Board of Trustees of Montgomery Community College met in public session on October 10, 2005 in room 122 of the Health Sciences Center, Takoma Park/Silver Spring Campus. The regular public meeting was called to order by the Chair. The following Board members were present:

Dr. Sylvia W. Crowder, Chair  
Ms. Roberta F. Shulman, First Vice Chair  
Dr. Jong-on Hahm  
Dr. Mary E. Cothran

Ms. Kanika Hughley  
Mr. Stephen Z. Kaufman  
Dr. Owen D. Nichols

Dr. Charlene R. Nunley, secretary-treasurer of the Board of Trustees and president of the College was present. Trustees Michael C. Lin, Robert E. Shoenberg, and Gene W. Counihan were absent on September 19.

**Subject: Approval of the Revised Agenda and  
Minutes of September 19, 2005**

On motion by Trustee Kaufman, seconded by Trustee Shulman, the agenda and minutes were approved with the correction that Dr. Nunley was absent on September 19.

<b>Resolution No. 05-100</b>	<b>Subject: <u>Retirement Recognition and Emerita Status for Professor Carla R. Klevan</u></b>
<b>Resolution No. 05-101</b>	<b>Subject: <u>Retirement of Dr. Sharon Bernier</u></b>
<b>Resolution No. 05-102</b>	<b>Subject: <u>Retirement of Dr. Ruth Otto</u></b>
<b>Resolution No. 05-103</b>	<b>Subject: <u>Retirement of Ms. Janet Meyers</u></b>
<b>Resolution No. 05-104</b>	<b>Subject: <u>Retirement of Ms. Linda Privitera</u></b>
<b>Resolution No. 05-105</b>	<b>Subject: <u>Retirement of Mr. Sang Rim</u></b>

On motion by Trustee Nichols, seconded by Trustee Hahm, the Board approved and adopted the above subject resolutions. (Copies of the resolutions, as adopted by the Board, are attached in the Record of Resolutions, pages 1-8.)

Mr. James Gilbert, Facilities supervisor, provided remarks in honor of Mr. Sang Rim; Dean Paula Matuskey provided remarks in honor of Dr. Ruth Otto and Professor Carla Klevan; and Dean Angie Pickwick provided remarks in honor of Dr. Sharon Bernier and Ms. Linda Privitera.

**Subject: Comments Period**

There were no speakers to come before the Board.

**Subject: President's Report to the Board**

Dr. Nunley thanked the Board for her professional development leave for the past three months and expressed her gratitude to Dr. Shartle-Galotto who acted for her this summer and thanked Mr. Campbell who assumed additional responsibilities also. She thanked everyone throughout the College.

**Subject: Takoma Park/Silver Spring Campus  
Annual Report**

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Dr. Brad Stewart, Vice President and Provost, Takoma Park/Silver Spring Campus, presented the 2005 annual report. Dr. Stewart introduced the administrative team. He highlighted the Student Services Center and invited the Board to the dedication ceremony in the spring. Dr. Stewart highlighted the various academic divisions to include the expansion of the Honors program, growth in the biology program, the academic success program, and increases in the LPN to RN programs.

Students Andrew Lopez and Olukemi Onigbinde spoke about their experiences at Montgomery College.

In response to Trustee Shulman's question, Dr. Stewart indicated that the total enrollment for the campus was approximately 5,000 and up nine percent from last fall.

Trustee Kaufman complimented the students and asked for background information on the growth in surgical technology, biosciences, and the arts. Dean Angie Pickwick commented and indicated that there was an increase in the clinical sites. Dean Dehly Porras indicated that the enrollment in the biosciences was growing because more students were taking science courses. Dean Paula Matuskey reported that the enrollment from the School of Art and Design was rolled into the enrollment, the number of sections in general education has been expanded, and the majority of art courses at Takoma Park are co-listed with Workforce Development and Continuing Education.

Trustee Hughley commented on the report and asked the student speakers what were some of the issues or concerns that the students have this year. Mr. Lopez indicated that the priorities for the student body were a Hurricane Katrina fundraiser and students want to be developed professionally. Dean Humberto Segura commented on the First Year Experience program.

Professor Wil Brunner spoke in response to Trustee Shulman's question about the career prospects for Arts students. He indicated that there are many opportunities in the arts and many students are making money in the arts.

In response to Trustee Kaufman's question, Dr. Stewart commented on the nursing instructor shortage. Dr. Nunley indicated that the program was not under-enrolled and there was a waiting list. The problem is that the campus would like to expand the number of slots, but this requires that the program have clinical sites, teachers, and many other things. Dean Pickwick commented on the student/faculty ratio.

**Subject: Trustee Information Report**

Mr. Campbell noted that in the Auxiliary Services report, the child care services struggled last year because it did not have the level of scholarship support for students' children as in prior years. There was no federal grant last year. The grant has been received again for this fiscal year for \$75,000 and should be helpful.

Mr. Campbell reported that financially, the College did well last year and the investment program did better also.

Dr. Shartle-Galotto reported that there has been a slight decline in GPA with respect to race and gender over the last five years, female students continue to do better than male students, and the College continues to note a disparity by race. Trustee Shulman asked how did this compare

with other community colleges in the State and are they experiencing the same trend. Dr. Lynch indicated that he did not know, but would find out.

Trustee Hughley asked what was the College doing to try to address the issue of the disparity of race with respect to at-risk students. Dr. Shartle-Galotto commented and indicated that the learning college movement is centered on improving student achievement and improving retention.

Trustee Kaufman commented on the Foundation report and noted that the College received \$6 million in gifts and pledges, but even more important, the net assets of the Foundation are now approaching \$20 million.

**Subject: ACCT Report**

Trustee Hughley reported on the Association of Community College Trustees' 2005 Leadership Congress which was held in Seattle, Washington. She commented on the various workshops and noted that Montgomery College had a group of presenters there for a workshop. Trustee Hughley noted that Dr. Nunley was recognized as the Northeast Regional CEO of the Year.

<b><u>Resolution No.</u></b>	<b><u>Subject: Consent Calendar</u></b>
05-106	Personnel Actions Confirmation
05-107	Sole Source Award of Contract, Additional High-Speed Internet Access Bandwidth Services
05-108	Sole Source Award of Contract, Purchase of Printer Equipment Technology for the Engineering Design Program
05-109	Graduates Receiving the Associate Degree and the One-Year Program Certificate in Summer, 2005
05-110	Approval of Expenditure of Funds for Change Order King Street Art Center Design Services, Takoma Park/Silver Spring Campus
05-111	Sole Source Award of Contract, Pilot Arts Study Abroad Program at the University of Malta in Italy
05-112	Sole Source Award of Contract, Technology Availability and Disaster Recovery Services
05-113	Request for Supplemental Appropriation of Fiscal Year 2006 Capital Budget for King Street Art Center Project
05-115	Approval of the Institutional Mission and Goals Statement for the Maryland Higher Education Commission

Trustee Nichols made a motion with the clear understanding that any question or comment on any of the items to be acted upon should be accepted. The motion was seconded by Trustee Shulman. The Board approved and adopted the above subject resolutions. Trustee Hughley opposed the motion. (Copies of the resolutions, as adopted by the Board, are attached in the Record of Resolutions, pages 9-27 and 35-36.)

Trustee Hughley requested additional information on the The Arts Study Abroad Program with the University of Malta in Italy.

Professor Don Smith, Director of the Arts Institute, provided background information on the program. He indicated that this was an opportunity for the College to inaugurate and initiate a scholarship in the arts that provides study abroad opportunities to students. The details of the scholarship program have not been finalized and will be a task for the arts faculty collegewide.

Trustee Hughley indicated that this was a large amount of money going toward this program and indicated that that the College has sent students abroad with the Cambridge program. She inquired about how the money breaks down.

Dr. Shartle-Galotto reported that the money for the program came from an arts endowment that was established when former President Dr. Robert Parilla retired. The money has grown and the College has been looking for an appropriate opportunity to benefit the students which was the purpose of the endowment. Professor Malveux went to Italy last summer to investigate and make sure that the experience would be an appropriate opportunity for students.

Board Chair Crowder indicated that the background sheet on the Technology Availability and Disaster Recovery Services resolution should reference FY2006 as opposed to FY2005.

Trustee Kaufman asked for clarification on the total amount for the Change Order for the King Street Art Center. Mr. Capp indicated that the total was uncertain, but right now he has only requested \$260,000.

**Resolution No. 05-114**

**Subject: Approval of Transaction for the  
Development and Construction of an  
Arts Building on the Takoma Park/  
Silver Spring Campus**

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On motion by Trustee Nichols, seconded by Trustee Kaufman the Board approved and adopted the above subject resolution. (A copy of the resolution, as adopted by the Board, is attached in the Record of Resolutions, pages 28-34.)

Mr. Rocky Sorrell, General Counsel, presented the resolution. He indicated that this was a combination of the bringing together of many, many different contracts, transactions, work, and all of the things that go into a most unusual project that the College will be building and giving notice to proceed by the end of the month on this campus, the King Street Art Center. This motion is a breadth of approval of ratification of authority. It wraps up things already approved and outlines the various steps the College has taken along the way to construct a rather complex lease and lease-back transaction involving the Foundation, while putting together a financing structure and a project development structure that is absolutely legal. This type of document has been done before in the State of Maryland, particularly at Anne Arundel Community College. Mr. Sorrell recognized the hard work of the many members of the staff who worked on this transaction which included Mr. Bill Campbell, Mr. John McLean, Mr. David Capp, Ms. Donna Pina, Mr. Marshall Moore, and all of the conference calls involving this matter. He indicated that putting this information together required five different lawyers representing five different constituencies, underwriters and insurers, and financing consultants. Mr. Sorrell indicated that this was why the resolution was before the Board because the College is now ready to sell the bonds. He indicated that this kind of resolution was usually found in the corporate world and the world of corporate finance and that it was very legalistic and has many different components, but it puts everything together in one package so that the underwriters and the attorneys who have to opine on the legality of this document do not have to go searching for information because this particular transaction had many different transactions within it. There was a design/build contract that was originally entered into with Cafritz which after the design was completed; everyone decided that it was best to assign it to Bovis for the construction part, the area that they were most expert in, but maintaining Cafritz in a very important consultant role. He indicated that this was all within this document, as the College must acknowledge and approve this along with the Foundation as the actual entity that is entering into this transaction. The College has various guarantees that the College must give that basically transform the Foundation's role into a conduit role so that their other assets, the \$20 million that we are very proud to have, would not be subject to any kind of liability as a result of this transaction. The College is protecting them because they have other things to do

with that money. The College has various approvals of the authorization of the lease and the lease-back. The College has acknowledgment that it has gone through condominium and condominium amendments for this particular transaction so that it has a very clear demarcation of the area that will be subject to lease and lease-back. The College has reserved the garage and the back end of that so that it would not be limited by the appropriate limitations that it must give to the County and the Trustee once these bonds are sold. The College will be able to develop everything free and clear and basically have broad authority so that it can execute and deliver continuing disclosures as required under the bond documents and no one will have to go beyond this resolution. No one will have to go into the minutes of this body for the last three years and the various memos of delegation of power from the president and past chairs to figure out if all of these things were actually approved.

Trustee Nichols asked was there any part of the document that raises a question of legality. Mr. Sorrell stated absolutely not. This document makes sure that everything is legal.

Trustee Hahm asked Mr. Sorrell if he could unequivocally guarantee that there was no grammar or spelling problem. Mr. Sorrell indicated that being a lawyer, he knows how to lay off risk. He had five different lawyers who are bound to the College who gave him that guarantee, which he was willing to do, and he will seek redress. Trustee Hahm asked about the word "guarantied" in the second Whereas of the resolution. Mr. Sorrell indicated that the word should be "guaranteed". Mr. Sorrell indicated that there was a saving clause in the very last resolve that basically excises any grammatical mistakes and saves the entire resolution. He indicated that he would make the correction to the document.

Trustee Kaufman congratulated Mr. Sorrell on the document. He indicated that it was an omnibus resolution that recognized all actions past and authorizes all actions going forward. This kind of document is ordinarily common when there is a bond issuance underwriter, many different stakeholders, etc. Trustee Kaufman stated for the record that the College received a credit rating for the bonds which was very unusual, not only because this was a capital project, but that the College is not a government or major Wall Street credit-worthy company. To receive a AA- rating, which is a very, very high rating, was a tribute to everyone.

Trustee Shulman asked if there was anything controversial about the document or anything that the College would be embarrassed about if it were on the front page of the *Washington Post*. Mr. Sorrell indicated that after the correction, the College should frame it and present it to the *Post* and be happy if they would print it.

**Subject: Proposed FY2007-2008 Biennial  
Capital Appropriation Request**

Mr. David Capp, Chief Facilities Officer, presented the FY2007-2008 Biennial Capital Appropriation Request. He indicated that it was now time to take the Biennial Capital Budget to the County. Mr. Capp reviewed the college-wide projects and indicated that there were three new items: site improvements, storm water management, and outdoor athletic facilities. These were added at the request of Councilmember Praisner who chaired a county-wide deferred maintenance program and these three line items were in Park and Planning's capital budget and she recommended that all County agencies address these items also.

Mr. Capp reviewed the information technology request. Mr. Kaufman commented and indicated that the six-year total was a phenomenally large figure of \$85 million. He indicated that each year the College has this large number and the best the College gets was about half and each year the College falls further and further behind. He asked if there was some way to be more realistic in what the College would have to use over six years and how was the College addressing this matter. The College cannot continue to add more each year. We know the

need, but he does not see where the resources will be available.

Trustee Hahm asked if the numbers, which were the same, were just place holders or a best guess.

Mr. Dick Leurig, Chief Information Officer, responded and indicated that \$17 million was the replacement total. He indicated that it was starting to drop and that was why he left it the same because the department hopes to reach a level where the College will not have to add more, but for new buildings and projects, line items will be put in for replacement. He indicated that that \$14.1 million amount, if the College received all the funding, would meet the levels given at the County and the County has agreed on this as the replacement levels. They have never been able to fund this level.

Trustee Kaufman indicated that he would rather go to the County with numbers that the College has really scrubbed and can support over this six-year period, as the College will be fighting for every dollar in this area along with a lot of other things. Every year the College goes in with a big number and it gets cut back. He indicated that he would rather go in with a number that doesn't get cut back and then the College could get its request.

Mr. Leurig indicated that he didn't know if this could be done as the College has extended out at the County's request. There used to be a three-year replacement and now they are four- and five-years which means some of the departments' programs cannot stay up with the software and software is not included in these amounts. It is in the operating budget.

Trustee Kaufman asked for a peer review of how the College was approaching this and adjusts how it puts these things together.

Dr. Nunley indicated that there was a peer review for this information. Trustee Kaufman indicated that he was not questioning the fundamental validity of the projections; he was certain that they were well thought out. He was questioning that if this was so, then the money should be there in terms of priorities for the College, but that doesn't seem to be the case. Trustee Kaufman indicated that if the College was prioritizing these and letting the County know, very strongly, which of these were top priority, in any given year, then he would like to achieve 100 percent in this area with realistic numbers that the County Council will give the College.

Dr. Nunley indicated that this was a real dilemma and that the College needs to set priorities and figure out a way to address this issue. She indicated that going forward with the actual need emphasizes the fact that the College needs to figure out how to deal with this issue in this community. It is not only the College's numbers that are large, so are the public schools' and the County Government's, and there have been processes going on across the agencies that were designed to try to determine the needs of each organization. Dr. Nunley indicated that perhaps the College should go forward with what reflects the real need, which is what is indicated in the capital budget request, but the College should be very careful internally to have a list of priorities set-up so that when the questions come along we are prepared to be as strong as possible on the things that are most important. If the College doesn't catch up on some of this, the Rockville Computer Center and the infrastructure is a disaster waiting to happen. The College needs to figure out a way to address this, and nobody at the County is denying this dilemma. The County can't quite figure out how to do it. Dr. Nunley indicated she would rather go forward with something that reflects the real need based on the principles that have been developed and then be prepared to speak to priorities when needed.

Trustee Kaufman indicated that he did not question the validity of the real need numbers, but he would like to see an action plan that prioritizes in such a way that the County Council knows that

in 2006 or 2007 that this is the bottom line and the College has to have it if it is not going to fall behind and at least stay even and much less make progress. He indicated that he does not

want to give the County a number each year where they say that they will give us half or one-third and the College just takes it and that is the end of it for the year.

Dr. Nunley indicated that the College will work on some of the priorities between now and the interactions with the County Council.

Mr. Capp reviewed the campus requests with the Board and noted some specific line items.

Mr. John McLean, Director of Capital Planning, Design and Construction, presented a PowerPoint presentation on the King Street Art Center. In response to Dr. Nichols' question, Mr. McLean indicated that the future garage will accommodate approximately 340 cars. Trustee Hughley asked about maximizing the space in the building.

**Subject: New Business, Announcements, and Adjournment**

In compliance with the Annotated Code of Maryland, Title 10-508, subject to Chapter 655 of the Laws of 1991, the Chair announced that the Board voted to hold an Executive Session on October 10, when three site matters (subsection 3) – Takoma Park Campus, Germantown Development, and Rockville Parking Update were discussed; and one personnel matter (subsection 1) was discussed.

The business on the agenda having been completed and with the consent of all Board members present, the Chair adjourned the meeting at 9:30pm.

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Chair

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Secretary-Treasurer

Recorder: Arlean B. Graham