



**MONTGOMERY COLLEGE
BOARD OF TRUSTEES**

**RECORD OF RESOLUTIONS
April 18, 2016**

Board <u>Resolution#</u>		Pages
16-04-043	Personnel Actions Confirmation	2-4
16-04-044	Graduates Receiving the Associate Degree and the Program Certificate in Spring 2016	5-6
16-04-045	Acceptance of the Middle States Self-Study Design	7-9
16-04-046	Modification of Policy 31101—Employee Privileges	10-13
16-04-047	NetApp Backup Equipment, Software Licenses, and Services, Bid 516-012	14-16
16-04-048	Physical Education Building Exterior Renovations, Germantown Campus, Bid 616-008	17-19
16-04-049	Increase in Tuition Rates Per Credit Hour for Fiscal Year 2017	20-21
16-04-050	Increase in Transportation Fee of \$1 Per Credit Hour	22-24
16-04-051	Capital Budget Fund Transfer for the Germantown Bioscience Education Center Project to the Planning, Design, and Construction Project	25-27
16-04-052	Authorization of Settlement	28-29

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 7
April 18, 2016

PERSONNEL ACTIONS CONFIRMATION REPORT

BACKGROUND

The Board of Trustees by state law has the authority and the responsibility for appointments to the College. Each month the Board receives a summary of personnel actions from the Office of Human Resources and Strategic Talent Management on new hires and employees who have separated from the College.

RECOMMENDATION

It is recommended that the Board adopt the attached report.

BACKUP INFORMATION

Board Resolution
Personnel Actions Confirmation Report
Policy 34001—Changes in Employee Status

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSON

Ms. Porter

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **16-04-043**
Adopted on: **4/18/2016**

Agenda Item Number: **7**
April 18, 2016

Subject: Personnel Actions Confirmation

WHEREAS, By state law the Board of Trustees has the authority and responsibility for appointments to the College; and

WHEREAS, The attached summary indicates related personnel actions taken by the College during the period February 1, 2016, through February 29, 2016; and

WHEREAS, The president of the College recommends that the Board adopt the following resolution; now therefore be it

Resolved, That the Board of Trustees accepts the attached reports and confirms the actions of the president.

Attachments

MONTGOMERY COLLEGE
SUMMARY OF PERSONNEL ACTIONS
From February 1, 2016, through February 29, 2016

STAFF

STAFF EMPLOYMENTS: None

STAFF SEPARATIONS

Effective

Date	Name	Position Title	Grade	YOS	Department
02/12/2016	Brown, LaQuise M	Building Services Worker Lead	D	3	Facilities - Central Administration
02/12/2016	Clark, Sandra G ¹	Campus Registrar	L	2	Admission Services
02/03/2016	Gischel, Kristen	Safety & Security Officer	F	2	Facilities Security - GT
02/14/2016	Walsh, Christopher R	IT Support Manager	L	17	Bookstore – Central Administration
02/27/2016	Wells, Jennie L ¹	Director of Even/Week Office	O	22	VP/Provost - Comm, Health, Hum

STAFF EMPLOYMENTS: None

STAFF SEPARATIONS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	2	1	0	0	0	3
Male	2	0	0	0	0	2
TOTAL	4	1	0	0	0	5

FACULTY

FACULTY EMPLOYMENTS: None

FACULTY SEPARATIONS: None

¹ Retirement

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 8A
April 18, 2016

**GRADUATES RECEIVING THE ASSOCIATE DEGREE AND
THE PROGRAM CERTIFICATE IN SPRING 2016**

BACKGROUND

The Board of Trustees is required to ratify the conferral of degrees and certificates by the faculty, as certified by the college registrar, each semester.

RECOMMENDATION

The Board of Trustees is asked to ratify the conferral of degrees and certificates by the faculty on the list of proposed graduates who have successfully completed the requirements of a program, subject to certification of the college registrar.

BACKUP INFORMATION

Board Resolution

List of Graduates (Board members only)

RESPONSIBLE SENIOR ADMINISTRATORS

Dr. Brown

Dr. Rai

RESOURCE PERSONS

Mr. Cartledge

Mr. Sorrell

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **16-04-044**
Date: **4/18/2016**

Agenda Item Number: **8A**
April 18, 2016

Subject: **Graduates Receiving the Associate Degree and the Program
Certificate in Spring 2016**

WHEREAS, It is necessary that the Board take action on the list of certified candidates attached herewith; and

WHEREAS, The college registrar ("the registrar") has certified that the students of Montgomery College, as listed on the attachment, are expected to complete successfully in the spring 2016 semester the courses and curriculum prescribed by the faculty, and to meet all other requirements of the College, for the degrees and certificates that those students are seeking; and

WHEREAS, The faculty has thereby conferred upon the students of Montgomery College, as listed on the attachment, their respective associate's degrees and certificates, subject to certification by the registrar that such students have met all applicable requirements; and

WHEREAS, The president recommends that the Board approve the following resolution; now therefore be it

Resolved, That the Board of Trustees ratifies the faculty's conferral upon the students of Montgomery College, as listed on the attachment, of their respective associate's degrees and certificates, subject to certification by the officer that such students have met all applicable requirements.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 8B
April 18, 2016

**ACCEPTANCE OF THE 2018 SELF-STUDY DESIGN
FOR THE MIDDLE STATES COMMISSION ON HIGHER EDUCATION**

BACKGROUND

Montgomery College is a candidate for re-accreditation by the Middle States Commission on Higher Education (MSCHE) in 2018. As part of that process, the College is required to submit a Self-Study Design document to the Commission.

The College's Self-Study Steering Committee has developed this design based on MSCHE's seven standards described in *Standards for Accreditation and Requirements for Affiliation*:

- I. Mission and Goals
- II. Ethics and Integrity
- III. Design and Delivery of the Student Experience
- IV. Support of the Student Experience
- V. Educational Effectiveness Assessment
- VI. Planning, Resources, and Institutional Improvement
- VII. Governance, Leadership, and Administration

The design contains the specific topics to be researched by each workgroup as well as the members of the workgroups. In addition, the design contains a "document roadmap," which is a list of key documents that will serve as the sources of information for the research, as well as a communications plan.

Upon acceptance of the Self-Study Design, the Commission will send a liaison to visit the College to meet with stakeholders in order to prepare for the Self-Study development and the eventual peer visit, which is scheduled for the spring of 2018, followed by final Commission action on the College's accreditation.

In addition to the Self-Study, the Commission also requires an additional report due in 2017 on the verification of compliance with eight accreditation-relevant federal regulations according to the Commission's *Verification of Compliance with Accreditation-Relevant Federal Regulations*, namely:

- Student identity verification in distance and correspondence education
- Transfer of credit policies and articulation agreements
- Title IV program responsibilities
- Institutional records of student complaints
- Required information for students and the public
- Standing with state and other accrediting agencies
- Contractual relationships
- Assignment of credit hours

RECOMMENDATION

It is recommended that the Board of Trustees accept the College's 2018 Self-Study Design to be submitted to the Middle States Commission on Higher Education.

BACKUP INFORMATION

Montgomery College Self-Study Design

Standards for Accreditation and Requirements for Affiliation

Verification of Compliance with Accreditation-Relevant Federal Regulations

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Cain

RESOURCE PERSONS

Dr. Benjamin

Dr. Gregory

Professor Peery

Ms. Wessman

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **16-04-045**
Adopted on: **4/18/2016**

Agenda Item Number: 8B
April 18, 2016

Subject: Acceptance of the 2018 Self-Study Design for the Middle States Commission on Higher Education

WHEREAS, Montgomery College is a candidate for re-accreditation by the Middle States Commission on Higher Education in 2018; and

WHEREAS, As part of that process, the College is required to submit a Self-Study Design prior to beginning the Self-Study process; and

WHEREAS, The Self-Study Steering Committee has developed a Self-Study Design document, which contains the specific topics to be researched by each workgroup, the members of the workgroups, a “document roadmap,” which is a list of key documents that will serve as the sources of information for the research, as well as a communications plan; and

WHEREAS, The president recommends that the following action be taken; now therefore be it

Resolved, That the Board of Trustees accepts the Self-Study Design for the College’s 2018 Self-Study; and be it further

Resolved, That the Board of Trustees authorizes the president or designee to submit the Self-Study Design to the Middle States Commission on Higher Education.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 9B
April 18, 2016

POLICY MODIFICATION: 31101—Employee Privileges

General Information

Policy Number:	31101
Contained in Chapter:	Chapter Three
Policy Title:	Employee Privileges
Policy Creation Date:	September 21, 1987
Most Recent Modification Date:	September 22, 2014

Changes, Additions, Deletions

Line Number	Purpose
14-15	Added clarifying language regarding employment records and a reference to the associated Board Policy.
34-37	Added new F at the request of College Governance to reflect the intent of Board Policy 11004-Governance and to include commitment to providing a participatory College environment that promotes civility and is free of undue burden and retaliation.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the modifications to Policy 31101-Employee Privileges.

BACKUP INFORMATION

Resolution
Policy 31101-Employee Privileges (revised version)

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Janet Wormack

RESOURCE PERSON

Dr. Tacy Holiday

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **16-04-046**
Adopted on: **4/18/2016**

Agenda Item Number: 9B
April 18, 2016

Subject: Policy Modification: 31101–Employee Privileges

WHEREAS, The Board of Trustees created Policy 31101–Employee Privileges in 1987; and

WHEREAS, The policy has served an important purpose in setting forth the privileges of full-time and part-time employees of the College; and

WHEREAS, The policy has been reviewed by the appropriate College community stakeholders for their feedback and been updated; and

WHEREAS, The president recommends that the Board adopt the modifications; now therefore be it

Resolved, That Policy 31101–Employee Privileges be amended as indicated in the attached draft; and be it further

Resolved, That the president is authorized to implement these changes.

Chapter: Personnel

Modification No. 003

Subject: Employee Privileges

- I. The purpose of this policy statement is to identify certain privileges of full-time and part-time employees of Montgomery College within the employment environment. Many of these privileges are stated in other College policies and procedures.

 - A. The College recognizes that employees expect privacy and freedom from coercion in all matters not connected with official duties, including choice of nonconflicting outside employment activities, associates, dress, physical appearance, and financial affairs, except insofar as such matters may adversely reflect upon the College or that disclosure of outside employment, activities and financial affairs may be required by the State Ethics Commission and under the College's conflict of interest policy and procedures.
 - B. Unless prohibited by law, an employee may examine all official personnel files and other records concerning ~~oneself~~ **one's employment pursuant to Policy 37001-Personnel Records**; may submit materials to correct, rebut or clarify any information contained in those files or records; and may have materials not related to employment or official duties excluded from their records.
 - C. Employees have the right to full and equal consideration for employment and career development opportunities on the basis of demonstrated or potential ability for the job, without regard to age, color, citizenship status, covered veteran status, disability, gender, gender identity, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason subject to applicable federal, state and county laws and regulations.
 - D. Employees have the right to form and join organizations of the employee's choice on professional matters and conditions of employment or refrain therefrom subject to the provisions of applicable law.
 - E. Employees will not be required or expected to perform personal, non-College related services; performance ratings will not be influenced by the performance or nonperformance of such services.
 - F. **The College is committed to providing an environment in which College employees can participate freely in governance and any other College public forums or meetings in an atmosphere of civility and respect and without being subject to undue influence or fear of retaliation.**
 - G. College employees have the right, as individuals, to free political expression and to participate in politics or political campaigns as individuals, not as representative of the College's position as an institution.
 - H. College employees have the right to perform job duties free from any obligation to contribute, financially or otherwise, or to render service to any candidate or political party.

- 47 I. College employees have the right to perform job duties free from any obligation
48 to contribute, financially or otherwise, or to render service to any charitable
49 organization.
- 50
- 51 II. College employees may expect that an effort will be made to resolve employee(s)
52 problems or grievances and that there will not be retaliation for filing or assisting in filing a
53 grievance or complaints alleging discrimination.
- 54
- 55 III. The President is authorized to establish procedures to implement this policy.
- 56
- 57
- 58

59 Board Approval: September 21, 1987; September 22, 2014; _____, **2016**

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 10A
April 18, 2016

**AWARD OF CONTRACT,
NETAPP BACKUP EQUIPMENT, SOFTWARE LICENSES AND SERVICES, BID 516-012**

BACKGROUND

Request:	NetApp Backup Services, Backup Solution
Office/SVP Originating Request:	Vice President of Instructional and Information Technology/Chief Information Officer and the Senior Vice President for Administrative and Fiscal Services
Award Type:	Competitive
Bid Number:	516-012
Explanation of Request:	The College wishes to replace the current enterprise data backup system located on the Takoma Park/Silver Spring Campus. Backup hardware, software, services, and associated support are required to protect and support the College's enterprise data, which, in turn, supports instructional needs as well as information technology and staff administrative requirements. The age and performance of the current system, along with the volume of data that needs to be backed up, does not allow replication to the secondary Rockville data center. With this change, the College will be positioned to leverage cloud backup and potential data migration/cloud service backup in the future.
Reason Being Brought to Board:	Board approval is required for all competitive awards valued over \$250,000.
Certification:	The director of procurement certifies that specifications were developed by appropriate College staff, and the vice president of finance/chief financial officer certifies funds are available in the FY16 operating budget.
Annual Dollar Amount:	\$446,050
Vendor Name/Address:	Networking For Future, Inc. 1023 15th Street, NW, Suite 500 Washington, DC 20005
Minority Status:	Not Applicable
Term of (Equipment Maintenance) Contract:	One time purchase

RECOMMENDATION

It is recommended that the Board of Trustees approve an award of contract to Networking For Future, Inc., of Washington, DC, for the purchase of NetApp backup hardware, software, services, and associated support for a one time purchase of \$446,050.

BACKUP INFORMATION

Board Resolution

Bid Summary (Board Members Only)

Bidder's List (Board Members Only)

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSONS

Mr. Johnson

Mr. Whitman

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **16-04-047**
Adopted on: **4/18/2016**

Agenda Item Number: **10A**
April 18, 2016

Subject: Award of Contract, NetApp Backup Equipment, Software Licenses and Services, Bid 516-012

WHEREAS, The vice president of instructional and information technology/chief information officer and the senior vice president for administrative and fiscal services is requesting the replacement of the current enterprise data backup system located on the Takoma Park/Silver Spring Campus; and

WHEREAS, Backup hardware, software, services, and associated support are required to protect College enterprise data, which supports instructional needs as well as information technology and staff administrative requirements; and

WHEREAS, Consistent with the collegewide budget reduction measures, the Office of Instructional and Information Technology has determined that greater efficiencies and cost savings can be achieved by re-bidding certain information technology contracts; and

WHEREAS, The director of procurement certifies that specifications were developed by appropriate College staff, and the vice president of finance/chief financial officer certifies funds are available in the FY16 operating budget; and

WHEREAS, Pursuant to Md. (Educ.) Code Ann. Sec. 16-311, a request for bid was publically advertised in a local Montgomery county newspaper on March 3, 2016, and posted on the Montgomery College Procurement website and eMaryland Marketplace; and

WHEREAS, The solicitation was downloaded by 49 firms, and one response was received, publicly opened, read aloud, and recorded, beginning at 3:00 p.m. on March 17, 2016; and

WHEREAS, Upon evaluation by appropriate College staff, it was determined that the proposal submitted by Networking For Future, Inc., of Washington, DC, was the highest ranked, meeting all College requirements; and

WHEREAS, Board approval is required for bids valued above \$250,000; and

WHEREAS, The president of the College recommends the following action; now therefore be it

Resolved, That a contract be awarded to Networking For Future, Inc., of Washington, DC, for the purchase of NetApp backup hardware, software, services, and associated support for a one time purchase of \$446,050.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 10B
April 18, 2016

**AWARD OF CONTRACT,
PHYSICAL EDUCATION BUILDING EXTERIOR RENOVATIONS,
GERMANTOWN CAMPUS, BID 616-008**

BACKGROUND

Request:	Exterior renovations to the Germantown Campus Physical Education Building
Office/SVP Originating Request:	Vice President of Facilities and Security, and Senior Vice President for Administrative and Fiscal Services
Award Type:	Competitive
Bid Number:	616-008
Explanation of Request:	This project is for the replacement of the exterior building envelope of the Physical Education Building on the Germantown Campus and is a planned renovation project. The existing exterior cladding of the building is over 40 years old, and has deteriorated due to the outdated building construction methodologies used in its construction. In addition, there is a prolonged exposure of the exterior cladding to existing interior environmental conditions. The cost estimate by the project engineer is \$3,125,000.
Reason Being Brought to Board:	Board approval is required for bid awards valued over \$250,000.
Certification:	The director of procurement certifies that specifications were developed by appropriate College staff and the vice president of finance/chief finance officer certifies that planned use of funds for this project are available in the FY16 capital budget.
Total Dollar Amount:	\$3,598,951
Vendor Name:	Nastos Construction, Inc.
Vendor Address:	1421 Kenilworth Avenue, NE Washington, DC 20019
Minority Status:	NA
Contract Expiration:	One-time purchase

RECOMMENDATION

It is recommended that the Board of Trustees approve an award of contract to Nastos Construction, Inc., of Washington, DC, for the Physical Education Building exterior renovations on the Germantown campus for a total amount of \$3,598,951.

BACKUP INFORMATION

Board Resolution

Bid Summary (Board Members Only)

Bidders List (Board Members Only)

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSONS

Mr. Johnson

Dr. Yeatts

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **16-04-048**
Adopted on: **4/18/2016**

Agenda Item Number: 10B
April 18, 2016

**Subject: Award of Contract, Physical Education Building Exterior Renovation,
Germantown Campus, Bid 616-008**

WHEREAS, The vice president of facilities and security and the senior vice president for administrative and fiscal services are requesting the Physical Education Building exterior renovations on the Germantown Campus; and

WHEREAS, The director of procurement certifies that project specifications and drawings were developed by appropriate College staff and consultants; and

WHEREAS, A two-part request for proposal method was used to afford the College the benefits of a best-value solicitation for this project; and

WHEREAS, Pursuant to Md. (Educ.) Ann. Sec. 16-311, a request for proposal, Part A—Contractor Qualifications and Part B—Price Proposals, were publicly advertised on January 22, 2016, in the *Baltimore Sun* and the *Washington Post*; and posted on the Montgomery College procurement website and eMaryland Marketplace; and

WHEREAS, Eighty-nine companies downloaded the solicitation from the procurement website; and on March 1, 2016, four responses including two no bids were received and recorded in the Office of Procurement by 3:00 p.m. local time; and

WHEREAS, After evaluation of Part A—Contractor Qualification proposals, two contractors submitting proposals were deemed qualified to have their Part B—Price Proposals opened; and

WHEREAS, Following evaluation of Part B—Price Proposals, it was determined that Nastos Construction, Inc., of Washington, DC, submitted the lowest base bid price of \$3,598,951 and met all College specifications; and

WHEREAS, Board approval is required for bids valued above \$250,000; and

WHEREAS, The vice president of finance/chief finance officer certifies that planned use of funds for this project are available in the FY16 capital budget to enable the College to award the contract as recommended; and

WHEREAS, The president of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees approves an award of contract to Nastos Construction, Inc., of Washington, DC, for the Physical Education Building exterior renovations on the Germantown Campus for a total amount of \$3,598,951.

Resolved, That the president is authorized to sign the contract on behalf of the Board of Trustees.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 11A
April 18, 2016

INCREASE IN TUITION RATE PER CREDIT HOUR FOR FISCAL YEAR 2017

BACKGROUND

The Board of Trustees adopted the College's FY17 operating budget at its meeting on February 1, 2016. After reviewing the College's budget situation with regard to the county executive's funding recommendation, past tuition and fee rate increases at Montgomery College, as well as the existing and planned tuition and fees at area colleges and universities, and in consideration of the College's goal to keep college affordable, the College has concluded that an increase of \$4, \$8, and \$12 per credit hour for in-county, in-state, and out-of-state tuition rates, respectively, is necessary. The tuition and fee increase will be effective with the fall 2016 semester and will continue to support the College's efforts toward ensuring student excellence, access, and success. The proposed tuition increase is appropriate to demonstrate continuing and long term financial stability.

As a result of a survey of the 16 Maryland community colleges, the expected increases in FY17 tuition at state community colleges range from 2.3 percent (Howard Community College) to 6.0 percent (Carroll Community College). Of the 10 schools reporting to date, the average in-county tuition and fee increase is 3.9 percent.

Our changes will result in per-credit-hour tuition rates of \$122 for in-county students, \$249 for in-state students, and \$344 for out-of-state students. These changes represent an increase of 3.4 percent for the in-county tuition rate, 3.3 percent for the in-state rate, and 3.6 percent for the out-of-state rate.

RECOMMENDATION

It is recommended that the Board of Trustees increase the cost of tuition per credit hour by \$4 \$8, and \$12 beginning with the fall 2016 semester for in-county, in-state, and out-of-state tuition rates, respectively.

BACKUP INFORMATION

Board Resolution
Policy 45001—Tuition, Fees, and Refunds

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSONS

Mr. Preston
Ms. Hickey

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **16-04-049**
Adopted on: **4/18/2016**

Agenda Item Number: 11A
April 18, 2016

Subject: Increase in Tuition Rates Per Credit Hour for Fiscal Year 2017

WHEREAS, The Board of Trustees adopted the FY17 operating budget at its meeting on February 1, 2016; and

WHEREAS, The FY17 budget contains initiatives that advance student-centered initiatives such as closing the achievement gap, expansion of the Achieving Collegiate Excellence and Success (ACES) program, and Board of Trustees Scholarship funds to provide grants to students in need; and

WHEREAS, As public dollars to the College trended downward as a result of the economy over the past several years, Montgomery County and the state budget situations continue to improve, but modestly; and

WHEREAS, The proposed tuition increase put forth by the Board of Trustees continues a deep commitment to keeping Montgomery College affordable while taking prudent steps to advance the efforts in ensuring student excellence, access, and success; and

WHEREAS, The proposed tuition increase is consistent with other higher education institutions in Maryland; and

WHEREAS, The proposed tuition increase demonstrates tuition plans, long-term financial stability, and vitality of College operations necessary for third-party financing support and donor investments; and

WHEREAS, Even with this tuition increase there is still a gap between commitment to student success, long-term financial stability, and available resources; and

WHEREAS, The Board of Trustees has the authority to set tuition; now therefore be it

Resolved, That the Board of Trustees adopts tuition rate increases of \$4, \$8, and \$12 per credit hour for in-county, in-state, and out-of-state students, respectively, effective beginning with the fall 2016 semester; and be it further

Resolved, That this action establishes the per-credit-hour tuition rates at \$122, \$249, and \$344 for in-county, in-state, and out-of-state residents, respectively.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 11B
April 18, 2016

INCREASE IN THE TRANSPORTATION FEE OF \$1 PER CREDIT HOUR

BACKGROUND

The Transportation Fund was established by the Board of Trustees in June 2004 in order to provide funds for future transportation projects and related costs such as facilities enhancements to parking lots, enforcement, administration, security, and Ride On and shuttle services. The fund was established by means of a transportation fee assessed to students on a per-credit-hour basis as an appropriate mechanism to pay for transportation-related projects.

In April 2015, the Board of Trustees increased the transportation fee from \$5 to \$6 per credit hour as part of a three year increase of \$1 per year to support the construction of a parking garage on the Rockville Campus, provide a source of funds for the annual debt service for the Takoma Park/Silver Spring Campus parking garages, and other increased costs associated with the transportation needs of the students and employees.

Bonds were issued by the Montgomery County Revenue Authority on behalf of the Montgomery College Foundation, Inc., to support the construction of the Takoma Park/Silver Spring garage. The source of funds for the annual debt service costs on the revenue bonds is lease payments made by the College to the Foundation from the Transportation Fund for the use of the garage.

Since 2008, the county Ride On bus service, which is free to registered Montgomery College students, has increased in ridership by over 40 percent. Due to this increased ridership the cost to the College increased significantly beginning in FY11 and continued to increase in FY12 and FY13. Costs for the Ride On bus have remained flat for the period FY14-FY16. In FY17 we are expecting an 11 percent increase.

In FY15, the College piloted an inter-campus shuttle program to assist students with transportation needs in getting from campus to campus to attend classes and events. The shuttle service program has been very successful and has been extended to all campuses. In FY16 we expanded the shuttle hours of services as requested by students.

The current transportation fee for students is \$6 per credit hour. The third consecutive annual increase of \$1 per credit hour beginning in the fall 2016 semester is necessary to meet the transportation and parking needs of our students and bond covenant requirements.

RECOMMENDATION

It is recommended that the Board of Trustees implement a \$1 per credit hour increase in the transportation fee and the equivalent for noncredit courses in Workforce Development & Continuing Education.

BACKUP INFORMATION

Board Resolution

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSONS

Ms. Sherman

Dr. Yeatts

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **16-04-050**
Adopted on: **4/18/2016**

Agenda Item Number: 11B
April 18, 2016

Subject: **Increase in the Transportation Fee of \$1 per Credit Hour**

WHEREAS, During its April 2004 meeting, the Board of Trustees adopted a \$2 per credit hour transportation fee to be used for transportation related expenditures under Resolution 04-39; and at its June 2004 meeting, the Board of Trustees authorized the establishment of the Transportation Fund (also known as the Transportation Enterprise Fund) to collect revenue from transportation fees in order to pay for transportation-related projects and related costs under Resolution 04-78; and

WHEREAS, During its April 2007 meeting, the Board of Trustees increased the transportation fee to support the financing of parking garage construction through the Montgomery College Foundation under Resolution 07-04-045; and

WHEREAS, Montgomery County Ride On fees are anticipated to increase 11 percent; and

WHEREAS, Transportation fees will be used to fund (a) inter-campus shuttle program for students on all three campuses, and (b) provide Ride On services to our students; and (c) provide resources to pay the debt service on bonds issued for the construction of our garages; and

WHEREAS, The president of the College recommends the following action, now therefore be it

Resolved, That the Board of Trustees increase the transportation fee from \$6 per credit hour to \$7 per credit hour beginning with the fall 2016 semester and the equivalent amount for noncredit courses in Workforce Development & Continuing Education; and be it further

Resolved, That funds collected be in the enterprise fund designated for transportation operations and improvements; and be it further

Resolved, That the use of these funds continue to be expended only with the prior approval of the Board of Trustees.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 11C
April 18, 2016

**CAPITAL BUDGET FUND TRANSFER,
FROM THE GERMANTOWN BIOSCIENCE EDUCATION CENTER PROJECT
TO THE PLANNING, DESIGN, AND CONSTRUCTION PROJECT**

BACKGROUND

Request:	To authorize a fund transfer from the Germantown Bioscience Education Center Project to the Planning, Design, and Construction Project.
Office/SVP Originating Request:	Vice President of Facilities and Security and the Senior Vice President for Administrative and Fiscal Services
Approval Type:	Fund transfer between capital projects
Explanation of Request:	<p>The Germantown Bioscience Education Center opened in the fall of 2014 and all purchases related to its construction have been completed. The additional funds in the Planning, Design, and Construction Project are needed to fund an architect position and a document coordinator position.</p> <p>In accordance with county fiscal procedures, the Board is authorized to transfer funds among College projects within the capital budget, as long as the transfer does not exceed 10 percent of the total appropriation. The requested transfer is within the parameters set by the county, and the funding sources for both projects are compatible.</p>
Reason Being Brought to Board:	Board approval is required for all fund transfers between capital projects.
Total Dollar Amount:	\$700,000
Certification:	The vice president of finance/chief finance officer certifies that funds are available in the appropriate capital funds budget.

RECOMMENDATION

It is recommended that the Board of Trustees approve a transfer of funds in the amount of \$700,000 from the Germantown Bioscience Education Center Project to the Planning, Design, and Construction Project. The addition of funds to the Planning, Design, and Construction Project will be used to fund an architect position and a document coordinator position.

BACKUP INFORMATION

Board Resolution

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSONS

Dr. Yeatts

Ms. Sherman

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **16-04-051**
Adopted on: **4/18/2016**

Agenda Item Number: **11C**
April 18, 2016

Subject: Capital Budget Fund Transfer, from the Germantown Bioscience Education Center to the Planning, Design, and Construction Project

WHEREAS, In accordance with College policy on the capital budget, movement of funds between projects authorized in the capital budget must be consistent with county fiscal procedures authorizing such transactions; and

WHEREAS, The county has indicated that the Board is authorized to transfer a maximum of 10 percent from any one College project to projects within the College's capital budget; and

WHEREAS, The addition of funds to the planning, design, and construction project will be used to fund an architect position and a document coordinator position; and

WHEREAS, Funds totaling \$700,000 are available in the FY16 capital budget Germantown Bioscience Education Center Project that can be used for this purpose; and

WHEREAS, The vice president of finance/chief finance officer certifies that funds are available in the FY16 capital budget for this transfer and also certifies that the amount to be transferred, \$700,000 is within the 10-percent limit; and

WHEREAS, The president of the College recommends the following action; now therefore it

Resolved, That \$700,000 is transferred from the Germantown Bioscience Education Center Project in the FY16 capital budget to the Planning, Design, and Construction Project in order to provide additional funds for an architect position and a document coordinator position; and be it further

Resolved, That the county executive and the county council be notified of this action.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 12
April 18, 2016

AUTHORIZATION OF SETTLEMENT

BACKGROUND

In May 2014, the United States Securities and Exchange Commission (“Commission”) announced the Municipalities Continuing Disclosure Cooperation Initiative to provide issuers and underwriters favorable settlement terms for self-reporting potential violations of federal securities laws regarding continuing disclosure. Among the terms of settlement listed in the initiative were establishing policies and procedures and training regarding continuing disclosure obligations, complying with existing obligations within 180 days, cooperating with subsequent investigations, disclosing the settlement terms in future bond offering documents, and certifying compliance with the settlement terms within one year. The terms of the initiative preclude the Commission from imposing monetary fines on participating issuers but reserve the right for the Commission to pursue separate enforcement actions against individuals. Issuers were given until December 1, 2014 to self-report.

The College submitted a self-report to the Commission on November 24, 2014. The potential violation was the result of the College’s official statement delivered in connection with the 2011 bonds incorrectly stating that the College had never failed to meet any prior continuing disclosure obligations. This was incorrect because some of the audited financial statements and historical financial information with respect to the 2005 and 2008 bonds were not timely filed.

Last month, the Commission sent the College a proposed settlement offer, the terms of which are consistent with the terms described in the initiative. The College has already taken a number of affirmative steps, including creating and implementing a new Board policy on Tax Exempt Bond Compliance, updating past delinquent filings and contracting with Digital Assurance Certification to support and insure timely and proper future notifications and disclosures.

RECOMMENDATION

It is recommended that the Board pass a resolution authorizing the president to approve and execute a settlement with the Commission with respect to the violation that was self-reported pursuant to the Municipalities Continuing Disclosure Cooperation Initiative.

BACKUP INFORMATION

Board Resolution
Proposed Settlement (Board Members Only)

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Wormack

RESOURCE PERSONS

Mr. Dietz
Ms. Sherman

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Resolution Number: **16-04-052**
Adopted on: **4/18/2016**

Agenda Item Number: 12
April 18, 2016

Subject: Authorization of Settlement with SEC

WHEREAS, In May 2014, the United States Securities and Exchange Commission (“Commission”) announced the Municipalities Continuing Disclosure Cooperation Initiative to provide issuers and underwriters favorable settlement terms for self-reporting potential violations of federal securities laws regarding continuing disclosure; and

WHEREAS, On November 24, 2014, the College submitted a self-report to the Commission’s Division of Enforcement acknowledging that its official statement delivered in connection with 2011 bonds incorrectly stated that the College never failed to meet any prior continuing disclosure obligations; and

WHEREAS, The Commission has sent the College a proposed settlement under the terms of the Municipalities Continuing Disclosure Cooperation Initiative; and

WHEREAS, The president of the College recommends the following action; now therefore be it

Resolved, That the president is authorized to act on behalf of the College, and in her sole discretion, to negotiate, approve, and make the offer of settlement to the Commission in connection with the investigation conducted by the Commission; in this connection, the aforementioned president be and hereby is authorized to undertake such actions as she may deem necessary and advisable, including the execution of such documentation as may be required by the Commission, in order to carry out the foregoing.