

REGULAR MEETING
March 23, 2009
Key West Campus
5:00 P.M

486

PRESENT: Trustees: Goodman, Bassett Scales, Slate, Henderson;
Attorney DeVane, President Boyle; Provost Charles; VP Kehoe; Staff: Estenoz, Dinkel, C. Davis, A. Ernst-Leonard, Snyder, C. Malsheimer, Cline, Fry, P. Rice, Chalfant, Alvarado, R. Fisch, G. Martin, MacWilliams, McKiernan, Carreaga, Monroe, Gerrard, Gragg, Farrell, D. Rudolph, Harrison

Guests: Anne O'Bannon, E. Mayor, J. Keel, V. Guillory, B. Sprague, S. Toppino, M. Driscoll, H. Hamilton, Vogue, J. King, D. Snyder, J. Kawaler

The Meeting was called to order by Chairman Scales

**APPROVAL OF THE
AGENDA**

Moved Slate, seconded Bassett to approve the Agenda as presented.

VOTING YES: Goodman, Scales, Slate, Bassett, Henderson

**APPROVAL OF THE
MINUTES**

Moved Slate, seconded Bassett to approve the minutes of February 23, 2009.

VOTING YES: Goodman, Scales, Slate, Bassett, Henderson

Chairman Scales apologized for his comments last month; he said that he did not mean that he felt that any of the staff at the College were lazy or disloyal and wanted to apologize if his remarks were taken that way. He also spoke on his perspective on what the role of a Board member was. He commented that he felt that he should meet with anyone who wanted to talk to him and other Board member felt that they should not. He said that there was no wrong answer and that it was up to the individual Board member

PRESIDENT'S HIGHLIGHTS

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HIGHLIGHTS**

Lydia Estenoz reviewed with the Board the academic revitalization of the College;

- A New Marine Tech Building that will be built sometime later this year
- The Raymond Jungles effort which would incorporate some landscaping into the campus to create more of a student environment and a Campus that the community would want to visit.
- Programs that are being expanded, which include EPI, CNA, Ocean Operators Course and Aqua Culture, which is a new program that Dr. Patrick Rice is cultivating.
- We had our seconded visitation day was held last Saturday and we received 32 new applications that day.
- She also reported on enrollment increases on FTE, which was 36% for 2007-08 and 16% for this year.
- We are the fastest growing community college in the State.
- FKCC became the Model School for Banner Implementation.
- We have a wireless campus
- We have Connect Ed communication.
- A \$1,000,000 donation to the foundation.
- A Perfect audit for last year

Dr. Kehoe reported on three clean-up responses from the 2006-2007, Operational Audit, they were Faculty hours, Construction Manager Payments, and HR Hiring.

Dr. Kehoe reported on the RFP for the Dorms, we had received 3 bids on the Dorms, 1 bid from Student Suites, is a very viable bid and they specialize in student housing units.

CONSENT AGENDA

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Moved Henderson, seconded Slate to approved the Consent Agenda, in bulk, as per separate attachment (Suppl. Min. Book)

VOTING YES: Goodman, Scales, Slate, Bassett, Henderson

DISTRICT BOARD OF TRUSTEES

PRESIDENT

STUDENT REPORT

A. Erin Mayer, SGA President updated the Board on some of their activities:

- Spring Visitation
- SGA Elections
- Game Night on April 16
- Congresswoman Ros-Lehtinen's visit
- The Job Fair
- Clubs on Campus

B. Faculty Report – No Report - Trustee Bassett would like to see faculty here to give a report. Provost Charles will talk to faculty and make sure there is a faculty report.

FACULTY REPORT

**ATTORNEY'S
REPORT
CONSULTANT**

ATTORNEY

- A. Attorney's Report – Attorney DeVane review the process for the Presidential Evaluation. The evaluation that is attached to Dr. Boyle's contract is the evaluation that must be used for this year. If the Board wishes to change the evaluation it must be changed a year prior so that Dr. Boyle will know the expectations of the Board. Attorney DeVane suggested that the Board start negotiations with the President on a new contract as her current contract states that she has to be notified within 7 months of the end her existing contract as to the status of that contract. He further stated that there are significant changes that are beyond the control of the Board or Dr. Boyle that need to be address in a contract which will manifest itself by May. These changes have to do with Dr. Boyle's housing allowance, which was paid by the Florida Keys Educational Foundation, through a donation for the presidential housing allowance. He reported that there was some interest by Vice-Chair Henderson to bring in an outside consultant to evaluate the President and to help set-up criteria to evaluate the President in the future. Vice-Chair Henderson felt that the evaluation process is woefully inadequate for a President of a Community College. She believes we can do better moving forward, and feels that before we negotiate a new contract we need to do an evaluation. She believes the Board could use some help, as most of the Board does not have a lot of experience evaluating a CEO. She would like us to be state-of-the-art and she would like to have a consultant come in who had been there, see it, and done it. They could teach the Board the best practices. She would like to have someone from Florida, and she has someone in mind, who was a Community College President, but feels we need to have some other candidates to choose from.

Trustee Goodman feels that there is no rush, since we have to use this evaluation tool this year and she would be very uncomfortable making a decision about a new contract, when 40% of the Board will be replaced in two months. She feels that this Board should do the evaluation, but feels that the Board should wait until the new Board members are on to renegotiate the President's contract.

Trustee Bassett asked that is she correct in understanding that when Dr. Boyle signed her contract it was with the understanding that her housing would be paid? Attorney DeVane stated that she knew her housing would be paid for, because it was promised from somewhere else. Trustee Bassett asked if that was in writing. Attorney DeVane stated that it would have been in the contract if an outside source had not agreed to pay it, but that it was definitely part of the negotiations in getting Dr. Boyle to accept the position. He said, that Dr. Boyle never came down here without the understanding that her housing would not be paid for. Trustee Bassett asked if we are legally bound to give it. Attorney DeVane said "do we have to pay her? No", if you don't, you run the consequences of her resigning.

Attorney DeVane stated, that he has reviewed multiple contracts from other

**ATTORNEY REPORT
CONSULTANT
CONT'D**

Community College Presidents in the State and all of them include a housing allowance, and that almost all of them have a year clause in them for renegotiation of the contract. Trustee Bassett asked if we paid Dr. Seeker's housing. Attorney DeVane said that we did not. Trustee Bassett then asked, that if this Board decided that it was the intent of the contract for Dr. Boyle to have a housing allowance, couldn't we add an addendum to the existing contract for that, while the new contract was being negotiated? Attorney DeVane responded that we could do so.

Trustee Slate asked how much it would cost to bring in a consultant. Vice Chair Henderson responded, that she thought about \$5,000. Trustee Slate asked had a consultant ever been used before? Attorney DeVane responded, no. Trustee Slate felt that the existing Board should evaluate her and negotiate Dr. Boyle's new contract.

There was much discussion about the timing of the renegotiation of the contract, should it be done while the existing Board is here or wait for the new Board members to come on board.

Chairman Scales reminded the Board that the evaluation is statutorily required and he then summarized, that there are two issues, one is the renewal of the contract and when that should be done, and the other is the evaluation. He also reminded the Board that Trustee Henderson's was not only concerned about the evaluation form, but also about the process.

Attorney DeVane reminded the Board that they must enter into negotiations with Dr. Boyle 7 months prior to the end of her contract, which is December 2009, or notify her of the intention not to rehire.

Chairman Scales stated that the Board did not negotiate housing as part of the original contract, because when we were talking about it, it was mooted because of the generosity of another individual. He stated that over the past couple of years, it has become part and parcel of Dr. Boyle's total compensation package. Since the outside generosity is not there anymore, then we, as a Board, need to make a decision; should we amend the existing contract prior to the beginning of the Fiscal year, which is July 1, so that for budgeting purposes we can put that in there, or should we negotiate a new contract with the president with housing. It is up to the Board whether to decide to do it and when to do it.

Moved Slate to use the existing evaluation to evaluate Dr. Boyle this cycle and charge Attorney DeVane with starting a negotiating process for a new contract without a consultant.

Motioned died for a lack of a second.

Moved Bassett, seconded Henderson to evaluate Dr. Boyle using the existing evaluation tool for this cycle, hire a consultant to help us develop a new evaluation tool, draft an addendum to the existing contract to cover housing, Attorney DeVane can negotiate a fair housing stipend to go to the end of the existing contract and once we understand what our new evaluation process is, or December 2009, whichever comes first, we look at negotiating a new contract. The task of hiring a consultant would be delegated to staff. The cost of the consultant would not exceed \$5,000.

Attorney DeVane asked for clarification, Trustee Bassett said that she wanted Dr. Boyle to know, once the Board sat down to negotiate a new contract that she had a clear understanding of what her an evaluation would look like.

Trustee Goodman had misgivings about the consultant because of the tight budget, after this evaluation cycle, we should look at the process. Is the housing stipend tied to a mortgage, a lease, does it include the utilities?

Trustee Slate agreed that he had concerns about using money on a consultant; he disagreed about waiting to negotiate a new contract.

VOTING YES – Henderson, Bassett

VOTING NO – Slate, Scales (Goodman, no vote because of the money involved, lack of details and the composition of the Board.

MOTION FAILS.

Moved Slate to use the existing evaluation tool, to direct Attorney DeVane to start negotiating a new contract with Dr. Boyle now.

Motion fails.

Moved Goodman to use the use the existing evaluation tool to evaluate Dr. Boyle, we use the results of the evaluation and let that guide us toward whatever process might be implemented towards a new contract, by the time we get to this process the new board members will be in place so that they will have a role in the choice for the contract.

Bassett seconded for discussion.

Chairman Scales will not vote in favor of any motion that does not at minimum direct Buck to at least amend the existing contract to include housing.

VOTING YES: Goodman, Henderson, Bassett

VOTING NO: Scales, Slate

Moved Bassett, seconded Slate to Direct Board Attorney to negotiate with Jill an appropriate Housing allowance not to exceed \$3,500 a month, and that addendum to her contract would end the same time as the existing contract. Included in the addendum would be; If or when a home or donor comes available through the Foundation the housing stipend will be renegotiated. The Board Attorney will find out all the details, what the amount includes and come back to the Board no later than next month's meeting with a draft addendum to the existing contract.

VOTING YES: Goodman, Henderson, Bassett, Scales, Slate

Trustee Henderson would like Attorney DeVane to come back to the Board next month about how the Evaluation of the President is done under the Sunshine.

Attorney DeVane updated the Board on the recommended order on Tim Jones, which is before the Board today for approval. Once approve the petitioner has 30 days to appeal to the third DCA.

Moved Henderson, seconded Slate to accept the recommended order on Tim Jones, as per separate attachment (Suppl Min. Book).

VOTING YES: Goodman, Henderson, Bassett, Scales, Slate

HUMAN RESOURCES

Moved Henderson, seconded Bassett to approve the personnel actions as follows:

NEW EMPLOYEES

Olsen, Norman - February 23, 2009, Interim Dean, Allied Health & Nursing, Administrative Level G, \$80,000 annually.

Part-time

Dalmasi, Beatrice - February 10, 2009, Part-time Temporary Tutor – RAVE Program, \$15 hourly.

Beichke, Barbara - January 22, 2009, Part-time Temporary Artist's Model, \$15 hourly.

Hovorka, Gwendolyn - February 23, 2009, Part-time Regular, Student Support Specialist in Workforce Development & Community Outreach, \$15.32 hourly.

CELL PHONE STIPENDS

Martin, Gary - Vice Provost - Cell Phone Stipend, effective, March 16, 2009, \$21.78 bi-weekly, \$566.28 annually.

ADJUNCT / PART TIME INSTRUCTORS, as per separate attachment, (Suppl Min Book)

VOTING YES: Goodman, Henderson, Bassett, Scales, Slate

ADMINISTRATIVE AND BUSINESS SERVICES

A. Moved Henderson, seconded Slate to approve the Financial Statements for February, 2009, as per separate attachment (Suppl Min. Book)

VOTING YES: Bassett, Goodman, Scales, Henderson, Slate

B. Moved Slate, seconded Henderson to approve the Annual Capital Outlay Funds, as per separate attachment (Suppl. Min. Book).

VOTING YES: Bassett, Goodman, Scales, Henderson, Slate

C. Dr. Kehoe updated the Board on the Site Improvements for the Front Entrance.

**ATTORNEY
REPORT
CONSULTANT
CONT'D**

**RECOMMENDED
ORDER TIM JONES**

**PERSONNEL
ACTIONS**

**FINANCIAL
STATEMENTS FEB.
2009**

**ANNUAL CAPITAL
OUTLAY FUNDS**