

**BOARD OF TRUSTEES
FREDERICK COMMUNITY COLLEGE**

**December 4, 2021
Board Retreat
Maryland National Golf Club - Boardroom
8836 Hollow Rd., Middletown, MD 21769**

In Attendance:

Trustees Tom Lynch, Chair; Carolyn Kimberlin, Vice Chair; Ellis Barber; Gary Fearnow; Dr. April Miller; and Dr. John Molesworth. Trustee Theodore Luck was unable to attend. Also present were Interim President Dr. Thomas Powell, Secretary/Treasurer of the Board; Edmund O’Meally, PK Law, College legal counsel; and Kari Melvin, Recording Secretary.

Board Chair Lynch convened the retreat at 9:01 a.m.

Chair Lynch thanked everyone in attendance and overviewed the agenda for the day.

CLOSED SESSION

At 9:07 a.m., the motion was made by Vice Chair Kimberlin to convene in closed session. The motion was seconded by Trustee Barber and approved by the Board 6-0-1, with Trustee Luck absent.

This action was taken in accordance with the Maryland’s Open Meetings Act, Section 3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; Section 3-305(b)(7) to consult with counsel to obtain legal advice; and Section 3-305(b)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter. In attendance: Trustees Tom Lynch, Chair; Carolyn Kimberlin, Vice Chair; Ellis Barber; Gary Fearnow; Dr. April Miller; and Dr. John Molesworth. Trustee Theodore Luck was unable to attend. Also present were Interim President Dr. Thomas Powell, Secretary/Treasurer of the Board; Edmund O’Meally, PK Law, College legal counsel; and Kari Melvin, Recording Secretary.

Trustee Miller arrived at 9:10 a.m.

The Board reviewed closed session minutes from November 17, 2021 pursuant to Section 3-306(c)(3)(ii) of the General Provisions Article of the Maryland Annotated Code. The Chair called for approval of the closed session minutes.

On a motion made by Vice Chair Kimberlin and seconded by Trustee Molesworth, the Board approved the November 17, 2021 closed session minutes 6-0-1, as presented, with Trustee Luck absent.

The Board discussed personnel issues, obtained legal advice related to the external consultant report on Student Affairs and personnel realignment, and obtained legal advice related to potential retirement package options for eligible personnel.

No action was taken.

On a motion made by Vice Chair Kimberlin and seconded by Trustee Miller, the Board approved to adjourn the closed session and return to open session at 10:24 a.m. 6-0-1, with Trustee Luck absent.

The Board took a recess at 10:24 a.m.

The Board reconvened at 10:34 a.m.

Follow-up Meeting with the FCPS Board of Education – The Trustees reiterated the importance of working closely with the Frederick County Public Schools. Given the upcoming priority in selecting a new President and the need to devote time to budget preparation for both FCPS and FCC, the Trustees expect to reconvene for follow up discussions with the FCPS Board of Education during the 2022-23 academic year.

Review of Employee Recognition Policy and Procedures – The Trustees briefly reviewed the policy on employee recognition. While the Trustees expressed interest in improving the current policy, they will consider this after the Presidential search is completed and the new President can provide recommendations to the Trustees. The Trustees invited Interim President Powell to make recommendations on any policies that may warrant reexamination that can occur in connection with the onboarding of the new President.

Update on Collective Bargaining – Interim President Powell distributed two fact sheets prepared by the Maryland Association of Community Colleges (MACC). MACC is getting ready to offer some regional training sessions for mid-level supervisors. Pamela Murphy will join FCC as the Labor Relations Specialist on January 10, 2022 and will report directly to the President.

Mr. O’Meally detailed the role of the Board of Trustees in collective bargaining. He reported that the General Assembly is convening on December 6, 2021 and one of the items on the agenda is to consider overrides of Governor Hogan’s vetoes from the last session. If the veto on the collective bargaining bill is overridden, the College needs to be prepared for implementation.

Chair Lynch asked Interim President Powell to set up training for the Trustees when the Labor Relations Specialist joins FCC in January.

Review of Overall Finances – Interim President Powell overviewed current finances and the initial work to prepare the FY 2023 budget.

There was discussion regarding increases from FY 2021 to FY 2022 in contracted services, course costs and fees, supplies and materials, travel with accommodations, contingency, and vehicle fuel and repair. The Trustees expressed interest in having in-depth strategic planning discussions for the use of these funds.

Trustee Fearnow moved that the Board grant authority to Interim President Powell to institute a freeze on any unspent funds in the increases in these categories and that the use of these funds must be approved by the Board of Trustees. The motion was seconded by Trustee Molesworth and approved by the Board 6-0-1, with Trustee Luck absent.

The Board discussed limits for small procurements. The Code of Maryland Regulations (COMAR) now defines a small procurement to be \$50,000 or less. COMAR previously identified a small procurement as \$25,000 or less and FCC has kept board approval at that threshold. Only four other community colleges require board approval at this level. It was decided to place this item on the January board agenda.

Recognition of Employees for Their Work During the Pandemic – Interim President Powell presented a proposal to provide financial recognition for employees. The Trustees expressed gratitude to all employees for their extraordinary work to ensure the continuity of educational services during the past 18 months and discussed options for providing a one-time bonus.

Trustee Fearnow moved that the Board provide a one-time \$150 bonus to each employee currently active on payroll, not to exceed a total of \$165,000. The motion was seconded by Vice Chair Kimberlin and approved by the Board 6-0-1, with Trustee Luck absent.

Health Insurance Lag – Interim President Powell stated that the current policy provides that coverage becomes effective on the first of the month following 30 days of employment. The Trustees directed Interim President Powell to investigate what steps are needed and at what cost to provide insurance the first day of employment. He will provide a report at the next regular meeting for discussion and possible action.

Reserve Accounts – Interim President Powell overviewed the requirements of the Reserve Policy and Procedures and provided a summary of the current reserves. He proposed that the Board establish separate accounts for each of the three reserves at different Frederick County banks. The Trustees expressed support for this idea and asked Interim President Powell to develop a plan that includes a comprehensive picture of all FCC finances and priorities.

HEERF Funding – Interim President Powell reported on the status of the Higher Education Emergency Relief Fund (HEERF). Currently, there is a balance of \$1,554,963 in institutional funds that have not been expended. The Trustees directed Interim President Powell to develop a comprehensive plan for these funds, consistent with the intent of the federal legislation. They further directed that no additional HEERF funds are to be expended until the Trustees have approved the plan. The plan will be submitted to the Trustees no later than the regular February 2022 meeting.

The Trustees also requested a written justification statement for each previously expended item to confirm that all such appropriated funds have been expended consistent with federal guidelines.

Miller Children's Center – Interim President Powell overviewed the mission, enrollment, budget, and needs of the Children's Center. The Board asked Interim

President Powell to develop an immediate plan to improve the HVAC systems and to ensure playground safety. The Trustees will act on these items at later meetings.

The Board discussed the long-term role of the Center. They were clear that the Miller Children's Center is an important resource for our students, faculty, and staff. The Trustees asked Interim President Powell to continue his administrative review of the Center and to make recommendations to improve the program and ensure its long-term viability.

Health Clinic and Proposal from Frederick Health – The Trustees reviewed the contract proposed by Frederick Health to provide on-campus health services to students, faculty, and staff. The proposed contract calls for a basic clinic staffed by a nurse practitioner and medical assistant. The College is still negotiating the terms. The Trustees expressed interest in this new health service and, to the extent consistent with prudent budgeting, they want to ensure that the out-of-pocket costs of such services are minimized for faculty, staff, and students. They asked to see the final proposed contract no later than February 2022. If approved, the new service will begin in August 2022.

Needs of the Campus and Priorities – Interim President Powell said he will develop from today's meeting some recommendations over the next six months that the Board may want to provide to the next president.

Presidential Search – Vice Chair Kimberlin reported that 86 applications have been received. The Search Committee will meet on Friday, December 10, 2021 to select semi-finalists for interviews in January.

The Board of Trustees will meet in in closed session on January 20, 2022 to select the finalists who will be invited to interview on campus.

Closing – Chair Lynch reviewed upcoming dates for Board events and meetings.

The retreat was adjourned at 1:15 p.m.

Dr. Thomas Powell
Secretary/Treasurer

Prepared by Kari Melvin
Office of the President
Frederick Community College