

**BOARD OF TRUSTEES
FREDERICK COMMUNITY COLLEGE**

**August 17, 2022
Regular Meeting**

The Board of Trustees of Frederick Community College met in regular session on Wednesday, August 17, 2022 in the Student Center (H202/203). A virtual option to participate was provided. Participating in person were: Trustees Carolyn Kimberlin, Chair; Tom Lynch, Vice Chair; Gary Fearnow; Theodore Luck; and Dr. John Molesworth. Trustees Ellis Barber and Dr. April Miller were unable to attend.

The Governor reappointed Trustee Molesworth for a term of five years from July 1, 2022. He was sworn in by the Clerk of the Circuit Court for Frederick County on July 18, 2022.

Also attending in person were President Dr. Annesa Payne Cheek, Secretary/Treasurer of the Board; Janice Spiegel, Director of Education and Special Initiatives, Office of the County Executive; Edmund O'Meally, PK Law, College legal counsel; Avis Boyd, Chief of Staff to the President; Jerry Boyd, Special Assistant to the President for Institutional Effectiveness; Dr. Nora Clark, Vice President (VP) for Student Affairs; Lewis Godwin, Chief of Operations (COO); Dr. Tony Hawkins, Provost/Executive Vice President (EVP) for Academic Affairs, Continuing Education, and Workforce Development (AAEWD); Diana Oliver, Director of Human Resources; Deborah Powell, Executive Director for the Office of Institutional Advancement and the FCC Foundation; Adam Reno, Interim Director of Technology/Chief Information Officer (CIO); Amy Stake, Interim VP for Finance; Mary Rolle, Chair, Faculty Association (FA); Dr. Andrea Dardello, Acting Senior Diversity Officer; Pamela Murphy, Labor Relations Specialist; Dr.

Vell Lyles, Associate Vice President (AVP) for Strategic Enrollment and Innovation; Dr. Benita Rashaw, AVP for Student Affairs; Larry Johnston, Director of Athletics; and Kari Melvin, Recording Secretary. Dr. Michael Markoe, Deputy Superintendent of Frederick County Public Schools, was present during the Chair’s Report.

Participating virtually were Fred Hockenberry, Executive Director of Auxiliaries, Procurement and Special Projects; Frank Seidel, Vice Chair, FA; Sheri Bailey, Support Staff Association (SSA) Executive; Dr. Kevin Martin, Administrative Staff Association (ASA) Executive; Angelique Jackson, Student Government Association (SGA) VP of Public Relations; Theresa Dorsey, Administrative Coordinator, President’s Office; and Caroline Cole, Director of Communications to the President.

CALL TO ORDER

The meeting was called to order by Board Chair Kimberlin at 4:31 p.m.

ESTABLISHMENT OF QUORUM

President Cheek confirmed the presence of a quorum of the Board.

APPROVAL OF MINUTES

The Chair called for approval of the minutes of the June 15, 2022 board conversation and regular meeting.

On a motion made by Vice Chair Lynch and seconded by Trustee Molesworth, the Board approved the June 15, 2022 board conversation and regular meeting minutes 5-0-2, as presented, with Trustees Barber and Miller absent.

The Chair called for approval of the minutes of the July 23, 2022 board retreat.

On a motion made by Vice Chair Lynch and seconded by Trustee Molesworth, the Board approved the July 23, 2022 board retreat minutes 5-0-2, as presented, with Trustees Barber and Miller absent.

CHAIR'S REPORT

Chair Kimberlin welcomed President Cheek to her first regular meeting of the Board of Trustees. She stated that the Board is happy she is here and excited to begin their work together.

Chair Kimberlin next recognized Dr. Michael Markoe, Deputy Superintendent of Frederick County Public Schools (FCPS). On behalf of the Board of Trustees and the entire College community, she presented him with a framed FCC medallion and saluted him for his leadership of FCPS as Interim Superintendent last year. Chair Kimberlin recognized the great partnerships FCC has with FCPS, including the Early College and Dual Enrollment programs. She also extended the Board's congratulations to FCPS on their new Superintendent, Dr. Cheryl Dyson. Dr. Markoe thanked the Board and welcomed President Cheek to the Frederick community.

Chair Kimberlin then recognized Vice Chair Lynch. She presented a crystal trophy to him in appreciation of his service as Board of Trustees Chair for FY 2022. Vice Chair Lynch commented that serving as a Trustee is a labor of love. He added that Frederick is a unique community and FCC is a unique institution, and the relationship between FCC and FCPS is like no other in the state.

PRESIDENT'S REPORT

President Cheek gave highlights from her written report, which Trustees received at the meeting. She reported that Fall Convocation will be held tomorrow. Timothy J. Nelson,

President Emeritus of Northwestern Michigan College, will be the guest speaker. Convocation begins at 10:30 a.m. in the JBK Theater and will be followed by a Welcome Back Reception for all College employees at 12:00 p.m. in the Student Center. President Cheek noted that the Academic Affairs, Continuing Education, and Workforce Development team gathered in person this week for professional development activities. She provided a special acknowledgement to Provost/EVP Hawkins and Dr. Nicole Baird, AVP, Center for Teaching and Learning, for leading this training. President Cheek announced that the Partnership to Achieving Student Success (PASS) Program marked the end of its summer session with a completion ceremony on August 12, 2022. She attended a lunch celebration to congratulate this year's class of 26 students, including some first-generation college students. President Cheek thanked Dr. Candice Baldwin, AVP for Student Success, for her leadership and support of the PASS Program.

President Cheek noted some meetings and events during her first six weeks, including meetings with The City of Frederick Mayor Michael O'Connor, Frederick County Executive Jan Gardner, FCPS Superintendent Dr. Cheryl Dyson, Frederick Police Department Chief Jason Lando, leaders of each of the College affinity groups and Senate, the President's Transition Advisory Team, Maryland Association of Community Colleges (MACC) Executive Director Dr. Brad Phillips, Chair of the MACC Presidents' Council and President of the Community College of Baltimore County Dr. Sandra Kurtinitis, the Maryland Council of Community College Presidents, and receptions held by both the FCC Foundation Board Directors and the Board of Trustees.

President Cheek announced that she will serve as the keynote speaker for the Frederick County Chamber of Commerce S.H.E. Week on Tuesday, August 23, 2022 in a

session titled *Passion, Leadership & Vision A Conversation with Dr. Annesa Cheek*. She will be interviewed by Whitney Hahn, Marketing Advisor of #provokebetter.

President Cheek then noted the following upcoming events: the 27th Annual FCC Scholarship Golf Tournament on Monday, September 12, 2022; the Athletics Hall of Fame Banquet and Induction Ceremony on Saturday, September 17, 2022; and the 14th Annual Latino Festival on Sunday, September 18, 2022.

CONSENT ITEMS

Pursuant to the Board of Trustees Bylaws, the Board may make one motion and hold one vote for all items designated as consent items on the monthly Board agendas. Any Board member, who for any reason, wants to discuss an item or needs to recuse themselves from voting on an item, may remove the item from the consent list and it will be dealt with as a regular action item. The following items were submitted as consent items and distributed to the Trustees in their meeting packet:

- Approval of Piggyback Contract with Priorclave North America Inc. for a 100L front loading autoclave not to exceed the amount of \$30,571; Piggyback of the Purchasing Cooperative of America Contract PCA OD-319-20; and
- Approval of Piggyback Contract with Apple Store for Education, for new Mac Studio computers and monitors, for use in the Film/Video/Graphics computer lab, in the amount of \$72,224; Piggyback of the Maryland Education Enterprise Consortium Contract (MEEC), Apple, Inc. Agreement.

Chair Kimberlin asked for any discussion or a motion for approval.

On a motion made by Trustee Molesworth and seconded by Trustee Luck, the Board approved the consent items 5-0-2, as presented, with Trustees Barber and Miller absent.

INFORMATION/DISCUSSION ITEMS

Schedule of Board Meetings for 2023 – President Cheek presented this item. The proposed calendar was developed based on the Board’s recurring schedule of the third Wednesday of every month (excluding July and December). The following changes to the regular schedule were made: the January meeting was moved to the fourth Wednesday because Convocation occurs the third week of January; the May meeting was moved to the fourth Wednesday because Commencement and several end of year ceremonies occur the third week of May; and the June meeting was moved to the second Wednesday based on a recommendation from Janice Spiegel to allow more time, if needed, for the County budget approval process. The meeting dates for 2023 are: January 25, February 15, March 15, April 19, May 24, June 14, August 16, September 20, October 18, and November 15. All meetings will begin at 4:30 p.m.

This item was presented for information only – no action was taken or requested.

Annual Review of Board of Trustees Bylaws – Chair Kimberlin proposed that the Board engage in some intentional conversation and dialogue about their Bylaws. Trustees agreed to allocate time at a few of the upcoming meetings to talk through specific sections of the Bylaws, with the intention of getting through the entire document and discussing and agreeing on any changes in the next two to three months.

Quarterly Financial Report for the Period Ending June 30, 2022 – Interim VP Stake presented this item. She stated that the figures in the report are preliminary for the year ending June 30, 2022. The final audit will be available in October. Interim VP Stake reviewed the preliminary report with the Board.

A copy of the report is available from the President’s Office.

This item was presented for information only – no action was taken or requested.

Threshold for Small Procurements – Interim VP Stake presented this item. The Code of Maryland Regulations (COMAR) previously identified a small procurement as \$25,000 or less and it was College practice to operate within those guidelines. Effective August 13, 2018, an update to the regulations changed the definition of “small procurement” from \$25,000 to \$50,000 and gave all state agencies the authority to make awards of small procurement contracts. Going forward, the College will follow the revised COMAR Section 21.05.07 for Small Procurements to require full Board approval of procurements over \$50,000. Procurements of \$50,000 or less will be approved by the President. This alignment of the College financial procedures with COMAR regulations will also reduce the administrative processing necessary at the lower threshold.

Chair Kimberlin stated that although it is not required, she would entertain an official motion to approve this change so that the decision by the Board is documented in the minutes.

Trustee Molesworth moved to approve the alignment of College practice for small procurements with COMAR. The motion was seconded by Trustee Luck and approved by the Board 5-0-2, with Trustees Barber and Miller absent.

Interim Vice President for Human Resources – President Cheek presented this item. The Human Resources Team has been without a Vice President since December 2021. It is imperative that FCC has a Senior Leader overseeing the area that manages our greatest asset, our employees. President Cheek stated that she engaged the services of an executive search firm who identified eligible candidates. The fee for their services is under the \$50,000 small procurement threshold. The Senior Leadership Team and leaders from each

affinity group and the College Senate were provided the opportunity to meet each candidate and provide feedback directly to President Cheek to help inform her selection. An announcement will be made soon. She thanked everyone who participated for providing comments.

This item was presented for information only – no action was taken or requested.

Athletics Center Scoreboards and Video Screens Update – COO Godwin presented this item. At the May Board of Trustees meeting, Athletics presented a sole source proposal from Daktronics of \$46,996.60 to provide the communications and electrical feeds to finalize the installation of the scoreboards and video screens in the Gymnasium of the Athletics Center. The Board asked Interim President Powell to renegotiate the price for this work. If the amended price exceeded \$25,000, the Trustees indicated they would reconsider it again at their June 15, 2022 Board meeting. This was not brought back to the Board in June. An update is now being presented to the Board.

Because of the complexity and proprietary requirements of the communications feeds of the project, it is recommended that Daktronics still handle this portion of the project. Their current price for this scope of work is \$21,556.60. This is below the threshold for Board of Trustees approval, but it will require a cost justification for a sole source. It should be noted that the scoreboard is operational and that this remaining work is to provide communications and the required electrical feeds for the new video screens.

The College received two estimates for the electrical portion of the work, with the lowest being \$18,768. A third price is being pursued so that a purchase order can be issued to the electrical contractor with the lowest proposal.

The current combined pricing of the communications and electrical scopes of work is \$40,324 for a savings of \$6,672 from the original proposal. Funds for this project are available in the Systemics / Miscellaneous Renovations CIP budget.

This item was presented for information only – no action was taken or requested.

ACTION ITEMS

Approval of FCC Cultural Diversity Report – Annual Progress Report to the Maryland Higher Education Commission – Provost/EVP Hawkins and Acting Senior Diversity Officer Dardello presented this item. In accordance with §11-406 of the Education Article of the Maryland Annotated Code, the governing body of each Maryland public college and university is required to develop and implement a plan for programs of cultural diversity. The governing board of each public institution must submit progress reports regarding implementation of the plan to the Maryland Higher Education Commission (MHEC) by September 1 of each year.

In a memo dated February 28, 2022, MHEC advised institutions to submit progress reports on cultural diversity plans in a narrative format by September 1, 2022. The MHEC memo further provided instruction relative to narrative brevity while ensuring that each institution continues to make progress with the diversity goals of the State Plan. The narrative outline requests that the following be included and addressed in one page for each population or area: a summary of the institution’s Diversity, Equity, and Inclusion (DEI)-explicit initiatives or efforts for the following four populations: student, faculty, non-faculty staff, and administration; a description of the governing, administrative, coordinating bodies, and institutional offices if any, that exist on campus that are solely dedicated to DEI; a description of the institution’s DEI data or metrics (including but not

limited to a description of the data or metrics for, Equity Scorecards, Equity Audits, Campus Climate Surveys) as well as a description of how these data assist in driving the institution's actions and interventions to eliminate educational diversity, inclusion and equity gaps; and a description of how the diverse perspectives and voices of all students are captured and utilized in informing the campus's DEI efforts.

The 2022 Maryland Higher Education Commission Cultural Diversity Report captures Frederick Community College's diversity, equity, and inclusion goals and initiatives and features some of the College-wide progress made on those goals. The report discusses the Frederick Community College Diversity, Equity, and Inclusion Strategic Plan 2019-2024 and the Institutional Racial Equity Plan 2021-2027, highlighting the plans implementation of accountability leaders, benchmarks, and assessment tools to determine if the College has met its goals around supporting access and success for specific student populations, faculty, and staff. Acting Senior Diversity Officer Dardello highlighted the section on the Faculty Equity Scholars.

Provost/EVP Hawkins recommended approval of the FCC Cultural Diversity Report – Annual Progress Report to MHEC and submission to MHEC by September 1, 2022.

On a motion made by Trustee Luck and seconded by Trustee Fearnow, the Board approved the report 5-0-2, as presented, with Trustees Barber and Miller absent.

Approval of FY 2023 Budget for the Children's Center – Interim VP Stake presented this item. Frederick Community College Auxiliary Enterprises for FY 2023 include the Bookstore and the Carl & Norma Miller Children's Center. In prior years, the budgets for all auxiliary enterprises were combined into a single budget representation. To

enhance clarity, for FY 2023 and beyond, each auxiliary enterprise is represented separately. The FY 2023 Bookstore budget was approved by the Board of Trustees on May 25, 2022. As it pertains to the Children's Center's budget, Frederick County set aside \$250,000 in FY 2023 funds to optimize student utilization of the Children's Center. This funding enables FCC to offer a 50% discounted tuition rate to those students with children enrolled at the Center this fiscal year. The discount is included in the proposed FY 2023 Carl & Norma Miller Children's Center budget.

The Children's Center FY 2023 budget reflects an enrollment goal of 80 children. The center is licensed for a capacity of 82 children. There are 59 children currently enrolled at the Center: 27 children of FCC students, 10 children of FCC employees, and 22 children from the community. Frederick County allocated \$250,000 to make quality, on-site childcare more affordable as well as remove traditional barriers to FCC enrollment and course completion for student parents. Frederick County funds will be used to provide a 50% discounted childcare tuition rate for FCC students. This one-time, discounted rate will allow 48 children of FCC students to utilize the Children's Center – an increase of 21 children. The total yearly savings to students with children enrolled at the center will be \$253,850. The increase in Total Classroom Expenses (from \$404,700 to \$503,170) reflects additional employee expense needed to maintain required student to teacher ratios at the 80 children enrollment goal. The FY 2023 Budget reflects a loss of \$15,365, after a Total Indirect Cost Transfer to cover expense reimbursements to the College for operational support as itemized at the bottom of the budget spreadsheet. Research efforts to secure a more fiscally sustainable operating model will be forthcoming.

Executive Director Hockenberry is working with Student Affairs on a communication to advertise this to students.

Interim VP Stake recommended approval of the FY 2023 Budget for the Children's Center.

On a motion made by Vice Chair Lynch and seconded by Trustee Molesworth, the Board approved the FY 2023 Budget for the Children's Center 5-0-2, as presented, with Trustees Barber and Miller absent.

President Cheek acknowledged County Executive Gardner and Ms. Spiegel for their leadership and commitment to affordable childcare for students in Frederick County.

Approval of Sole Source with BD Biosciences for an Accuri C6 Flow Cytometer in the not to exceed amount of \$45,618.58 – Provost/EVP Hawkins presented this item. BD Biosciences is the sole source manufacturer of the Accuri C6 Flow Cytometer. BD Biosciences sells and services the Accuri C-6 Plus Flow Cytometer directly to the end user to ensure quality control of these highly complex instruments. The BD Accuri C6 Flow Cytometer is easy to use, simple to maintain, compact, and affordable. It offers enhanced sensitivity and capabilities for new and experienced flow cytometry researchers, and features a unique low-pressure pumping system that drives fluidics. It interfaces with the patented Flowjo software that is widely used in the industry. It has all the features required for GMP (good manufacturing practices) and is typical of the type of instrument students will encounter in the field. Our local industry advisors recommend that training on the BD Accuri C6 instrument is a highly desirable credential that will give our students a competitive advantage when applying for jobs in the field.

The funds for the proposed award amount of \$45,618.58 are available from the National Science Foundation Advanced Technological Education (ATE) Grant, using account number 21-500220-1004220-70350.

Provost/EVP Hawkins recommended approval of the sole source with BD Biosciences for an Accuri C6 Flow Cytometer in the amount of \$45,618.58.

On a motion made by Vice Chair Lynch and seconded by Trustee Luck, the Board approved the sole source with BD Biosciences 5-0-2, as presented, with Trustees Barber and Miller absent.

Approval of Recommendation to Award – RFB #22-OPS-05 Frederick Community College Parking Garage Repairs – 2022 to Concrete Strategies LLC in the amount of \$65,300.00 plus a 10% contingency of \$6,530.00 to cover any potential unforeseen or hidden conditions, at a total project cost of \$71,830.00 – COO Godwin presented this item.

The College recently requested bids from qualified bidders to perform required maintenance on the parking deck, which includes, but is not limited to, concrete wall and floor repair, crack repair and sealing, concrete sealing, joint sealing, and the addition of floor drains and piping.

In general, the parking deck is exhibiting minor deterioration and the goal is to protect and improve its current condition. Deterioration observed includes: cracking in tee slabs and wall panels; leaking double tee to double tee joints, construction joints, and leaching cracks; leaching thin brick on perimeter walls; and dark stains on several roof level tees indicating ponding water.

The parking deck was built in 2011 and has a footprint of 290+ feet by 120+ feet. There are two and a half total levels, including a slab-on-grade level. It has 90,000+ sq. ft.

of total floor area and can accommodate 300+ cars. It is made from precast concrete with a double tee slab and frame. It is the intent to start this project in September 2022.

A formal request for bids (RFB) was advertised on eMaryland Marketplace Advantage and posted to the College Bid Board on June 9, 2022. A pre-bid meeting was held on June 21, 2022 at the main campus in Gambrill Hall, room G206, to review the project scope and to address questions. A walk through of the project area was conducted after the pre-bid meeting. Seven firms attended the pre-bid conference. Addendum 1 was posted on the College Bid Board on June 30, 2022. Sealed bids were due by 2:00 p.m. on July 18, 2022, followed by a public bid opening at 3:00 p.m. Bid packages were received from six companies.

Concrete Strategies LLC was the low responsive bidder with a total bid price of \$65,300.00. Concrete Strategies LLC has provided the required information as outlined in the RFB document, and the College has checked references and confirmed pricing.

Funds for the proposed award amount of \$65,300.00, plus a 10% contingency of \$6,530.00 to cover any potential unforeseen or hidden conditions, are available in the Systemics/Miscellaneous Renovations CIP Budget.

COO Godwin recommended approval to award RFB #22-OPS-05 Frederick Community College Parking Garage Repairs – 2022 to Concrete Strategies LLC in the amount of \$65,300.00 plus a 10% contingency of \$6,530.00 to cover any potential unforeseen or hidden conditions, at a total project cost of \$71,830.00.

On a motion made by Trustee Fearnow and seconded by Trustee Molesworth, the Board approved the award to Concrete Strategies LLC 5-0-2, as presented, with Trustees Barber and Miller absent.

TRUSTEE COMMENTS

Vice Chair Lynch commented that it was good to see more attendees in person this evening and that the Board is excited to welcome President Cheek.

CLOSED SESSION

At 5:36 p.m., the motion was made by Vice Chair Lynch to convene in closed session. The motion was seconded by Trustee Molesworth and approved by the Board 5-0-2, with Trustees Barber and Miller absent.

This action was taken in accordance with Maryland's Open Meetings Act, 3-305(b)(7) to consult with counsel to obtain legal advice; Section 3-305(b)(9) to conduct collective bargaining negotiations or consider matters that relate to the negotiations; 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. Attending in person were: Trustees Carolyn Kimberlin, Chair; Tom Lynch, Vice Chair; Gary Fearnow; Theodore Luck; and Dr. John Molesworth. Trustees Ellis Barber and Dr. April Miller were unable to attend. Also attending in person were President Dr. Annesa Payne Cheek, Secretary/Treasurer of the Board; Edmund O'Meally, PK Law, College legal counsel; Pamela Murphy, Labor Relations Specialist; Avis Boyd, Chief of Staff to the President; and Kari Melvin, Recording Secretary.

The Board reviewed closed session minutes from April 13, 2022 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 April 13, 2022 closed session minutes.

On a motion made by Trustee Luck and seconded by Trustee Molesworth, the Board approved the April 13, 2022 closed session minutes 5-0-2, as presented, with Trustees Barber and Miller absent.

The Board obtained legal advice on matters related to potential unionization and collective bargaining. No action was taken.

On a motion made by Vice Chair Lynch and seconded by Trustee Luck, the Board approved to adjourn the closed session 5-0-2 at 7:36 p.m., with Trustees Barber and Miller absent.

NEXT MEETING

The next regular meeting of the Board will be held on Wednesday, September 21, 2022.

**Dr. Annesa Payne Cheek
Secretary/Treasurer**

**Prepared by Kari Melvin
Office of the President
Frederick Community College**