

**BOARD OF TRUSTEES
FREDERICK COMMUNITY COLLEGE**

**February 21, 2024
Regular Meeting**

The Board of Trustees of Frederick Community College met in regular session on Wednesday, February 21, 2024 in the Conference Center (E126AB). A virtual option to participate was provided. Participating in person were: Trustees Carolyn Kimberlin, Chair; Theodore Luck; Tracey McPherson; Dr. John Molesworth; Dr. William Reid; and Myrna Whitworth. Vice Chair Tom Lynch arrived late to the meeting due to a commitment with The City of Frederick as Chair of the Charter Review Committee.

Also attending in person were President Dr. Annesa Payne Cheek, Secretary/Treasurer of the Board; Janice Spiegel, Special Projects Manager/Budget Office Frederick County Government; 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. Bridgette Cofield, Vice President (VP) for Talent and Culture; Dr. Barbara Larson, Interim VP for Finance and Administration; Adam Reno, Interim Chief Information Officer (CIO); Dr. Molly Carlson, Associate Vice President (AVP) for Continuing Education and Workforce Development; Lewis Godwin, Chief of Operations; Dr. Vell Lyles, AVP for Strategic Enrollment and Innovation; Amy Stake, AVP for Finance; Pamela Murphy, Labor Relations Specialist; Kathy Francis, Executive Director of the Mid-Atlantic Center for Emergency Management and Public Safety; Esther Slack-Metellus, Support Staff Association (SSA) Executive; Theresa Dorsey, Administrative Coordinator, President's Office; Kari Melvin, Recording Secretary; and other guests.

Participating virtually were Dr. Anne Davis, Provost and VP for Teaching, Learning and Student Success; Deborah Powell, Executive Director for the Office of

Institutional Advancement and the FCC Foundation; Dr. Benita Rashaw, Interim VP for Student Affairs; Nichole Pollard, AVP for Student and Financial Support Services; Dr. Daniel Phelan, Consultant; Dr. Leslie Puzio, Chair, Faculty Association; Dr. Kevin Martin, Administrative Staff Association (ASA) Executive; Jillian Atelsek, Education Reporter from the Frederick News-Post; and other guests.

CALL TO ORDER

The meeting was called to order by Chair Kimberlin at 4:30 p.m. She provided a statement regarding this evening being a regularly scheduled meeting that has been published on the College calendar, and the agenda not being posted within the required timeframe was an unintended oversight which was rectified immediately after it was known.

APPROVAL OF MINUTES

Chair Kimberlin called for approval of the minutes of the January 24, 2024 regular meeting.

On a motion made by Trustee Molesworth, the Board approved the January 24, 2024 regular meeting minutes 6-0-1, as presented, with Vice Chair Lynch absent.

BOARD & CEO COMMENTS

Chair Kimberlin had no comments.

President Cheek shared photos from recent events: Student Advocacy Day in Annapolis where the FCC Student Government Association leadership met with Delegates Kris Fair, Dr. Ken Kerr, Dr. April Miller, Karen Simpson, and William Wivell, and also had a chance encounter with Governor Wes Moore; President Cheek, Trustees Whitworth and Reid and Chief of Staff Boyd attended the Association of Community College Trustees National Legislative Summit where they had the opportunity to meet with Senator Van

Hollen and representatives from the offices of Senator Cardin and Congressman Trone; and the FCC Cougar Mart grand opening, an initiative to support students facing food insecurities. Cougar Mart provides access to free perishable and non-perishable food, hygiene, and clothing items. She recognized everyone who has been integral in the development of the Cougar Mart, especially Director of Student Wellness and Support Sergio Washington, Interim AVP for Student Affairs Jeanni Winston-Muir, and Interim VP for Student Affairs Dr. Benita Rashaw.

President Cheek then announced that for the ninth consecutive year, *The Tuscarora Review*, FCC's literary and visual arts magazine, has been acknowledged by the American Scholastic Press Association with a first-place award. She thanked Magin LaSov Gregg, faculty advisor for the magazine.

CONSENT AGENDA

The following items were submitted and distributed to the Trustees in their meeting packet:

- Approval of Recommendation to Award – RFB 24-CPPM-06 for Asphalt Sealing and Resurfacing to C. William Hetzer Inc. in the amount of \$375,290 plus a 10% contingency of \$37,529 to cover any potential unforeseen or hidden conditions, at a total project cost of \$412,819
- Approval of Recommendation to Award – RFP 24-FS-01 for Grants Consulting Services to Maximus US Services, Inc. in the amount of \$105,000

Chair Kimberlin asked if any Board member wanted to remove an item from the consent agenda. Hearing none, she asked for a motion for approval.

On a motion made by Trustee Luck, the Board approved the consent items 6-0-1, as presented, with Vice Chair Lynch absent.

INFORMATION/DISCUSSION ITEMS

Schedule of Expenditures of Federal Awards Together with Reports of Independent Public Accountants (Single Audit Report) for the period ending June 30, 2023 – The results of the Single Audit were presented to the Board. The opinion of the auditor, SB & Company, is that Frederick Community College complied, in all material respects, with the requirements that are applicable to each of its major programs for the year ended June 30, 2023.

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

Fiscal year-to-date Financial Report through the quarter ending December 31, 2023 – Interim VP Larson went through the report in detail with the Board. It was clarified that the scholarships and transfers expenses are 99% spent at midway through the fiscal year due to the consolidated service fees being booked at the start of the fiscal year.

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

ACTION ITEMS

Vice Chair Lynch arrived.

Approval of One-Year Contract Renewal with SB & Company in the amount of \$38,000 for Professional Auditing Services for the College and the Foundation for FY 2024 – President Cheek presented this item. The College jointly solicited with Frederick County Public Schools and Frederick County Government proposals for professional auditing services, and awarded to SB & Company in 2021. The award was for an initial three-year contract with the option to renew an additional three years. Both Frederick County Government and Frederick County Public Schools have recommended a one-year contract renewal for FY 2023. The cost of the services for the FY 2024 audit is \$38,000 and will be funded through the FY 2025 College operating budget. This amount is under the

procurement threshold requiring Board approval. However, it was brought to the Board in line with the draft Board Governance Process Policy titled “Board Job Contributions,” which states “The Board may at its discretion engage in additional options to assist the Board in its decision-making, including but not limited to, appointment, compensation and oversight of the College auditor ...”

On a motion made by Trustee Molesworth, the Board unanimously approved the one-year contract renewal with SB & Company, as presented.

Approval of FY 2025 Proposed Operating Budget to be submitted to the County Executive – President Cheek and Interim VP Larson provided a presentation on the FY 2025 proposed operating budget. A copy of the presentation is available from the President’s Office.

Operating Revenues proposed for FY 2025 total \$72,403,803, which represent an increase of \$5,617,648 or 8.4% over the FY 2024 adopted budget. It includes \$20,095,188 from tuition and fees (credit and non-credit). After three years of holding tuition and fee rates flat, a 2% increase in tuition rates for in-district, out-of-county, and out-of-state is proposed. No increases in the consolidated service fee or student activity fee are proposed. The in-county credit tuition will go from \$129/credit to \$131.58/credit; out-of-county credit tuition from \$282/credit to \$287.64/credit; and out-of-state credit tuition from \$382/credit to \$389.64/credit. State funding includes \$20,209,612 in Cade formula aid and \$2,951,200 for State benefits. The Governor’s proposed budget “rebased” the Cade Funding formula from a 29% funding tie to selected four-year institutions, to 26.5%, effectively reducing Cade Funding to all community colleges. Due to FCC’s strong enrollment growth, the College is one of just three community colleges slated for an increase in the Governor’s proposed budget. The County funding request includes \$26,455,452 (cash) and \$480,393

(in-kind), which reflects an additional \$2,200,000 to help fund additional costs to meet enrollment demand and ensure institutional sustainability. Other income of \$2,211,958 includes interest income and contract training. The FY 2025 budget recommends the use of strategic reserves in the amount of \$2,442,000 for one-time initiatives. This funding targets student success initiatives, unplanned capital needs, technology improvements to improve data analysis and processes, innovation and future-proofing.

Operating expenses proposed for FY 2025 total \$72,403,803, an increase of \$5,617,648 over the FY 2024 adopted budget. When Strategic Reserve one-time projects are added, total proposed expenses are \$74,845,803, resulting in a balanced budget. Key expense allocations include:

- Additional funding to meet enrollment demand. Notable increases include additional credit and non-credit adjunct faculty, as well as clinical instructors for healthcare programs.**
- Investments to continue to attract and retain talent.**
- Fringe benefit costs correspond to salary and wage projections. The budget includes a 10% increase for health insurance.**
- Post-pandemic, the proposed budget includes increased funding for out-of-state professional development.**
- Despite enrollment growth and inflationary pressures, the total proposed budget for non-compensation for FY 2025 is up just 4% over the adopted FY 2024 non-compensation budget.**
- The non-compensation budget includes a proposed operating contingency of approximately 1% of expenditures, totaling \$725,000 in FY 2025. The contingency is**

available for unforeseen expenditures or to respond to opportunities that may arise outside of the annual planning and budgeting cycle.

- As noted above, the FY 2025 budget includes the proposed use of \$2,442,000 from Strategic Reserves. These reserves are established per Board policy, and provide opportunities to address strategic, one-time needs. For FY 2025, projects include student success initiatives, unplanned capital needs, technology improvements, and establishing an Executive-in-Residence position (two-year limited term assignment) to assist in identifying innovative partnership and revenue opportunities for the College.

On a motion made by Trustee Molesworth, the Board unanimously approved the FY 2025 Proposed Operating Budget to be submitted to the County Executive, as presented.

Approval of Revised FY 2025 – FY 2030 Capital Improvement Program (CIP) and County Capital Budget Request – In November 2023, the Board of Trustees approved the College’s most recent CIP plan for submission to the County. Based on recent meetings with County officials, feedback received from the State, and after considering other internal/external factors that influence the College’s long-term facilities planning, College administration re-envisioned the previously proposed Health and Wellness Center and reduced the program scope. The other projects included in the CIP (Campus Services Building, Innovation and Technology Center, as well as Systemics and Technology projects) remain unchanged from the November 2023 submission.

The revised project is the Health Education and Athletics Center. The building addition was reduced from approximately 91,500 GSF to 43,000 GSF. The new proposed cost for the total project, renovation plus smaller addition, is \$65,830,000 (\$29.3 million or 31% less than the original \$95.1 million project cost). With the proposed changes to the

Health Education and Athletics Center, the College's six-year funding request to the County has been reduced by \$12.5 million over the next six years.

The total CIP request (State and County funding) has been reduced by \$29.3 million, with the six-year total proposed budget for all projects going from \$171.8 million to \$142.4 million.

There was discussion regarding decreasing space, activities, and equipment for students despite an anticipated increase in enrollment. The decision was explained as a response to financial constraints from State and County funding sources, with projections of budget shortfalls in the coming years. Capital projects are typically 100% externally funded. A phased approach to development was proposed, allowing for future expansion as needs arise. The revised Health Education and Athletics Center optimizes existing space and prioritizes health education to address current and future workforce needs.

On a motion made by Vice Chair Lynch, the Board unanimously approved the Revised FY 2025 – FY 2030 Capital Improvement Program (CIP) and County Capital Budget Request, as presented.

Approval of Board-CEO Delegation Policy – Monitoring President Performance –

The Board considered this policy.

On a motion made by Trustee Molesworth, the Board unanimously approved the Board-CEO Delegation Policy – Monitoring President Performance, as presented.

Approval of Executive Limitations Policy – Planning – The Board considered this policy.

On a motion made by Trustee McPherson, the Board unanimously approved the Executive Limitations Policy – Planning, as presented.

Approval of Executive Limitations Policy – Land Use – The Board considered this policy.

On a motion made by Trustee Molesworth, the Board unanimously approved the Executive Limitations Policy – Land Use, as presented.

Approval of Governance Process Policy – Global Governance Commitment – The Board considered this policy.

On a motion made by Trustee Luck, the Board unanimously approved the Governance Process Policy – Global Governance Commitment, as presented.

Approval of Governance Process Policy – Role of the Board Chair – The Board considered this policy. There was discussion regarding the Office Responsible. It was noted that the President’s Office is the default for Office Responsible during the initial creation of these policies, but ultimately the Board Chair would be responsible as the Chief Governance Officer. In the future, the Board may assign Trustees to review these policies.

On a motion made by Trustee Luck, the Board unanimously approved to amend the Office Responsible from President’s Office to Board Chair.

On a motion made by Vice Chair Lynch, the Board unanimously approved the Governance Process Policy – Role of the Board Chair, as amended.

Approval of Governance Process Policy – Role of the Vice Chair – The Board considered this policy.

On a motion made by Vice Chair Lynch, the Board unanimously approved to amend the Office Responsible from President’s Office to Board Chair.

On a motion made by Vice Chair Lynch, the Board unanimously approved the Governance Process Policy – Role of the Vice Chair, as amended.

Approval of Governance Process Policy – Board Code of Conduct – The Board

considered this policy.

It was noted this policy is the responsibility of the full Board of Trustees.

On a motion made by Trustee Molesworth, the Board unanimously approved to amend the Office Responsible from President's Office to Board of Trustees.

On a motion made by Vice Chair Lynch, the Board unanimously approved the Governance Process Policy – Board Code of Conduct, as amended.

CLOSED SESSION

At 5:37 p.m., the motion was made by Vice Chair Lynch to convene in closed session and unanimously approved by the Board.

This action was taken in accordance with Maryland's Open Meetings Act, Section 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; Theodore Luck; Tracey McPherson; Dr. William Reid; and Myrna Whitworth. Trustee Dr. John Molesworth had to leave after the regular meeting and was unable to participate. Also attending in person were President Dr. Annesa Payne Cheek, Secretary/Treasurer of the Board; Edmund O'Meally, PK Law, College legal counsel; Avis Boyd, Chief of Staff to the President; Dr. Bridgette Cofield, VP for Talent and Culture; Dr. Barbara Larson, Interim VP for Finance and Administration; Pamela Murphy, Labor Relations Specialist; and Kari Melvin, Recording Secretary.

Dr. Anne Davis, Provost and VP for Teaching, Learning and Student Success
participated virtually.

The Board reviewed closed session minutes from January 24, 2024.

On a motion made by Trustee Reid, the January 24, 2024 closed session minutes were approved 6-0-1, as presented, with Trustee Molesworth absent.

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

The meeting adjourned at 6:35 p.m.

NEXT MEETING

The next regular meeting of the Board will be held on Wednesday, March 20, 2024.

Dr. Annesa Payne Cheek

Secretary/Treasurer

Prepared by Kari Melvin
Office of the President
Frederick Community College