

APPROVED, June 20, 2005

**Board of Trustees Minutes
Montgomery Community College
May 16, 2005**

The Board of Trustees of Montgomery Community College met in public session on May 16, 2005, in the Trustee Board Room, Central Administration. The regular public meeting was called to order by the Chair. The following Board members were present:

Mr. Gene W. Counihan, Chair
Dr. Sylvia W. Crowder, First Vice Chair
Ms. Roberta F. Shulman, Second Vice Chair
Dr. Jong-on Hahm

Dr. Robert E. Shoenberg
Mr. Stephen Z. Kaufman
Ms. Kanika M. Hughley
Dr. Owen D. Nichols

Dr. Charlene R. Nunley, secretary-treasurer of the Board of Trustees and president of the College was present. Trustees Mary E. Cothran and Michael C. Lin were absent.

**Subject: Approval of the Agenda and Minutes
of April 18, 2005**

On motion by Trustee Shulman, seconded by Trustee Crowder, the agenda and minutes were approved as read.

Subject: Comments Period

There was one speaker to come before the Board, Mr. Madjid Karimi E-Asi, a part-time Rockville Campus student who was dissatisfied with the services of several offices at the College.

Subject: President's Report to the Board

Dr. Nunley commented on her visits to the campuses where she visited classrooms and talked with students. Dr. Nunley reported that she saw some incredible teaching while she was there and participated in a chemistry lab. Different from other visits, the chair of the Faculty Council and the Staff Senate planned the day for the President.

Dr. Nunley announced that the Governor and the Lieutenant Governor have visited the College in the past couple of weeks. There was a huge turnout for the Governor and photo sessions were taken with many students. The Lieutenant Governor had a hearing at the Germantown Campus of his Task Force on Quality Education, and Trustee Hughley brought a student to testify that evening. Dr. Nunley thanked Trustee Hughley and indicated that there has been wonderful Honors Programs at each of the campuses and some of Trustees attended the events.

Trustee Shulman congratulated Chairman Counihan on his selection as Leadership Montgomery's 2005 Outstanding Leader.

Resolution No.

Subject: Consent Calendar

05-38	Personnel Actions Confirmation
05-39	Award of Contract, Trolley System for Germantown Swimming Pool Roof Structure
05-40	Award of Contract, Collegewide Roof Repairs
05-41	Award of Contract, Clay Tile Roof Replacement, Germantown Campus

On motion by Trustee Crowder, seconded by Trustee Kaufman, the Board approved and adopted the above subject resolutions. (Copies of the resolutions, as adopted by the Board, are attached in the Record of Resolutions, pages 1-9.)

Resolution No. 05-42

Subject: Creation of A New Late Payment Fee

On motion by Trustee Nichols, seconded by Trustee Kaufman, the Board approved and adopted the above subject resolution. (A copy of the resolution, as adopted by the Board, is attached in the Record of Resolutions, pages 10-11.)

Resolution No. 05-43

Subject: Adoption of Board Policies Relating to Best Practices of the Sarbanes-Oxley Act

On motion by Trustee Nichols, seconded by Trustee Kaufman, the Board approved and adopted the above subject resolution. (A copy of the resolution, as adopted by the Board, is attached in the Record of Resolutions, pages 12-14.)

Mr. Marshall Moore, Chief Business Officer, provided some background information. He indicated that the Board was given an overview of the Act in December and was given some recommendations of best practices from the Act that the Board and College should adopt. There has been an extensive review with NACUBO and ACCT. The College has reviewed what other colleges are doing and is now coming back to the Board with the best practices for the Board to adopt.

The College does not have to comply with the Sarbanes-Oxley Act and he is not asking the Board to adopt the Act, but asking to adopt best practices from the Act. Mr. Moore indicated that staff looked at what is appropriate for colleges and universities and then specifically, what is appropriate for Montgomery College. Mr. Moore reviewed some parts of the policy with the Board.

In response to Trustee Nichols' question, Mr. Moore explained the modification to the Board of Trustees Bylaws. He indicated that the Audit Committee statement was expanded to include the responsibility of the committee. There was no explanation of the charge of the Audit Committee in the existing Bylaws, and this was the only change.

Trustee Kaufman noted that the College's independent auditor can not do any other work for the College, which is a good thing. Also, the College is required to rotate auditors every five years and the prohibition against the destruction of any records is good and good common sense. Mr. Kaufman asked about the period of time that records need to be kept at the College.

Mr. Moore explained that the College has a Records Retention Policy. Records will be destroyed in compliance with the Records Retention Policy.

Trustee Nichols stated that two motions would be needed, one for amending the Bylaws and one to adopt the policy.

On motion by Trustee Nichols, seconded by Trustee Kaufman, the Board approved and adopted the amended Bylaws associated with this policy.

**Subject: New Business, Announcements, and
Adjournment**

Dr. Nunley provided a brief report on the County Council's budget. She indicated that the College's budget was reduced by \$250,000, nothing was placed on the Reconciliation List for the College, and she is hopeful that it will stay this way. Councilmember Perez's mother died and he flew to the Dominican Republic, and therefore, final Council action has been postponed until Friday. The action will be conducted during the College's commencement, but Mr. Campbell will be in attendance to represent the College. Unexpectedly, the Council added \$1.2 million to the College's Capital Budget for deferred maintenance because of the substantial interest the County has developed this year about the fact that there is so much deferred maintenance in the County. It appears that the College will fair relatively well in the budget process.

Chairman Counihan commented and thanked Dr. Nunley and Ms. Susan Cottle Madden for all of their hard work, and the work of other members of the College community also.

In compliance with the Annotated Code of Maryland, Title 10-508, subject to Chapter 655 of the Laws of 1991, the Chair announced that the Board voted to hold an Executive Session on May 16, 2005, at 6:00 p.m. in the President's Conference Room, Central Administration, Rockville, Maryland, when two site matters (subsection 3) – Takoma Park Campus and Germantown Development Updates were discussed; and one collective bargaining matter (subsection 9) was discussed.

The business on the agenda having been completed and with the consent of all Board members present, the Chair adjourned the meeting at 8:30pm.

Gene W. Counihan
Chair

Charlene R. Nunley
Secretary-Treasurer

Recorder: Arlean B. Graham