

MINUTES  
REGULAR BOARD MEETING  
of McHENRY COUNTY COLLEGE

The Regular Meeting of the Board of Trustees of McHenry County College was held on Thursday, May 22, 2014, in the Board Room, Room A217, in Building A on the Campus. Chair Parrish called the meeting to order at 6:30 p.m. When Secretary Walsh called the roll, the following were present:

Mr. Jenner  
Ms. Kisser  
Ms. Liddell  
Mr. Peters  
Ms. Walsh  
Mr. Wilbeck  
Mr. Parrish

Ms. Miller was absent. Dr. Smith was also present. Attorney Nanci Rogers was present as legal counsel.

PLEDGE OF ALLEGIANCE

Chair Parrish led the group in the Pledge of Allegiance.

COLLEGE MISSION STATEMENT

Student Trustee Peters read the Mission Statement.

APPROVAL OF AGENDA

The agenda was accepted as amended; item G. 2., Administrative Contracts for FY 2015 had one position deleted. Mr. Parrish noted that under Closed Session, exception #1, Personnel, will not be needed.

ACCEPTANCE OF MINUTES

Ms. Liddell moved and Ms. Kisser seconded; a voice vote was taken and all were in favor. The minutes of the Final Meeting of the Retiring Board, April 24, 2014 were accepted as presented.

The minutes of the Organizational Meeting, April 24, 2014, were accepted as corrected.

The minutes of the First Meeting of the Newly Organized Board, April 24, 2014, were accepted as corrected.

OPEN FOR RECOGNITION OF VISITORS AND PRESENTATIONS

Mr. Elinio Pucci, student, addressed the Board supporting the need for student space and a lounge area.

Mr. Joe Carstens, chair of the county Veterans Assistance Commission, thanked the administration and Board for providing space for the student veterans association. He noted that veterans are used to solving problems and asked that the College use their expertise and experience.

Mr. Wally Reynolds, Director of Athletics, introduced student-athletes Ms. Carissa Stauss, Ms. Lilliana Klay, Ms. Kristiana Stolzman and Ms. Zoe Klay, all students who have achieved a 3.5 GPA and higher. They were greeted with applause.

Ms. Teresa Bossert, instructor of psychology, provided handouts and quoted Dr. Smith's statement in the annual report about student success. Ms. Bossert spoke about the Early Childhood Education program, stating her concern with finding a reasonable solution to staffing the department.

Ms. Lisha Linder, Department Chair of Early Childhood Education/Education and Interim Director of the Children's Learning Center, provided handouts and voiced her concern that she hopes a plan for staffing the department can be devised to do the greatest good. She clarified that the Education department consists of several standalone courses offered, and noted that the replacement being sought is for an Early Childhood Education instructor.

Mr. Steve Willson stated that the Board has the opportunity to vote on whether or not to extend Dr. Smith's contract and stated that this is not a matter of voting on whether to extend the contract but a referendum on ethics. He noted the community will be watching.

Ms. Patricia Kennedy stated that the district taxpayers cannot afford an increase in salary and benefits for the President. She asked the Board to reconsider this issue.

#### CHAIRMAN'S REPORT

Mr. Parrish assured those who addressed the Board that the Board is listening. He stated that the Board is pursuing further transparency; he noted that the Board is working on being able to be emailed directly and to have their phone numbers on the website if they wish. He noted that the Board has asked that the Early Childhood Education/Education matter be given another look.

Mr. Parrish added that Mr. Vince Foglia, one of the College's major financial supporters, has asked Mr. Parrish to contact the College of Nursing at Resurrection University to inquire about their SimMan 3D

device, similar to the Anatomage table and to discuss consideration of a relationship with Resurrection University.

### PRESIDENT'S REPORT

Dr. Smith provided copies of the 2014 Annual Report. She noted that the College has moved from the top 150 community colleges chosen by the Aspen Institute to the next round and has participated in an interview for the next round in the process. Dr. Smith announced that 100% of the Occupational Therapy Assistant students have passed the Board Licensure exam the first time, and congratulated Dr. Maxeiner and Ms. Vogt, noting that this pass rate says a lot about the quality of the program and instruction.

Dr. Smith announced that students in Engineering 101 entered an intercollegiate catapult competition and placed first overall out of forty teams. She noted that the College has received a \$107,781.00 grant from the Illinois Emergency Management Association to be used by Campus Public Safety to add security cameras and revamp the software system.

Dr. Smith announced that Mr. Jon Walters is the new Veterans Student Resource Center Liaison; she added that nine student veterans graduated in December and 231 student veterans are using their GI Bill education benefits.

Dr. Smith also spoke about current news from the Workforce and Community Development department, the recent Accounting Bowl at which Marengo High School placed first, and asked that Trustees review the Spring 2014 IT Student Survey results.

### PRESENTATIONS

#### A. Reel Illinois

Mr. John Zymali directed a film for the Reel Illinois contest for McHenry County College; he began as a student in Fall 2011 and hopes to transfer to Columbia to major in film. He explained how the experiences he has had at the College have boosted his confidence and then showed the video, which can be seen at <http://www.youtube.com/watch?v=AqksSdXXFFk>. Mr. Zymali stated that a panel of judges will screen the film in September and a premiere will be held in October at the ICON Theatre in Chicago. Information about the competition is available at <http://www.reelillinois.org/#about>.

B. Clay Club and Community Event at Pioneer Center

Mr. Tom Vician, instructor of art and ceramics, and students Ms. Molly Tait and Ms. Gloria Stewart, gave a presentation on Clay Club's service project at Pioneer Center. Ms. Tait spoke about the project and showed photos; Ms. Stewart spoke movingly about her experiences at McHenry County College.

COMMUNICATIONS

A. Faculty Report

Ms. Elaine Whalen, co-president of the Faculty Association, noted that faculty are gearing up for summer classes and some are teaching intersession classes. She stated that the Faculty Association supports the hiring of a full-time faculty member for Early Childhood Education.

B. Adjunct Faculty Report

Ms. Mary Beth Linse, acting president of the Adjunct Faculty Association, stated that Mr. Ponzio has resigned as president. She noted that Ms. Betsy Metzger received her Master's degree in Organizational Leadership from Judson College this May and noted that the Executive Committee looked at the Memorandum of Understanding and noted that at this time, it is not valid. She thanked the College for allowing adjunct faculty members with more than one supervisor to continue. She looks forward to working with the Board for continued success. She stated she does not have anything against Dr. Smith getting a raise but noted her concern that adjunct librarians have had their salaries cut. She stated that adjunct faculty also support hiring a full time faculty member for Early Childhood Education.

C. Staff Council Report

Ms. Trimble could not attend and provided a written report, which Mr. Parrish read aloud.

D. Student Trustee Report

Mr. Peters suggested that as his vote is advisory, he be given the opportunity to vote first when there is a roll call so that the Board can hear the student body's voice first. Mr. Jenner asked that this be codified in policy and will add this to the next Evaluation and Policies Committee agenda. Mr. Peters spoke about recent student events. He noted that student space is a primary concern and stated that the student body hopes space is established soon to support the social atmosphere necessary for academic success.

E. Comments from the Board

Mr. Jenner asked that even if incomplete, the Board packet be placed online on Monday before the Board meeting.

Ms. Kisser asked for insight into the adjunct librarians' salaries. Dr. Smith deferred to Dr. Miksa, who will provide information. Mr. Wilbeck spoke about the purchase of the Anatomage table and asked that a closer look be taken to make sure classes using this table are transferable to four-year institutions. Dr. Smith replied that Dr. Maxeiner did check on transferability in this instance.

Mr. Wilbeck expressed his concern with a recent Freedom of Information Act (FOIA) request regarding the termination of an employee and the existence of a police report. Ms. Rogers replied that the State's Attorney's office had a request for review on this subject, and the College determined that an investigation report would be disclosed, even though the request asked for a police report. Ms. Rogers noted that the Public Access Counselor closed the case, as the College voluntarily provided documents that were not legally required; there was no order by the Attorney General's office. Ms. Kisser commented that the author of a Freedom of Information Request crafts his or her request and chooses the language. She added that it is not the job of the FOIA officer to read into the request what other documents the requestor may be looking for.

Mr. Wilbeck followed up on the storage appliance discussed last month. He asked whether research had been conducted on how long emails should be archived. Dr. Butler consulted with Attorney Rogers on the legal requirements, which are quite vague. Dr. Butler noted that an AQIP team had been formed to recommend data storage policy for the College. This will include an email retention policy to be brought to the Evaluation and Policies Committee. Ms. Rogers added that certain documents cannot be destroyed, noting that emails are not among these documents. Mr. Wilbeck asked that he be kept informed of progress.

F. Attorney Report

Ms. Rogers reported that Board Policies 1.2 and 1.2.1 and procedure 4.9 provide that the Student Trustee has an advisory vote on all matters voted upon. The policies and procedure do not state voting order, which

could be deliberated in committee meetings to create a procedure. After brief discussion, Mr. Jenner stated this would be placed on the next Evaluation and Policies Committee agenda for discussion.

#### APPROVAL OF CONSENT AGENDA

Mr. Jenner removed item G. 7, McHenry County Economic Development Corporation Annual Membership, Board Report #14-96, and Mr. Wilbeck removed Administrative Contracts for FY 2015, Board Report #14-104.

Extensive discussion followed. Mr. Jenner questioned Board Report #14-104, and Dr. Smith replied that the two positions of Director of Maintenance and Director of Public Safety Operations were promotions, adding that the Board approved those positions at the last Board meeting under the department reorganization. Dr. Smith clarified, in response to Mr. Jenner's question, that two more administrative lines are being added to administration, then answered Mr. Parrish's question that these lines were offset fully by the elimination of three other lines. She explained that per the Collective Bargaining Agreement, professional staff cannot supervise other staff council staff, which necessitated the administrative positions in this area. Mr. Jenner stated that he appreciated hearing this explanation and noted he has a better understanding of why this must be done. Ms. Walsh expressed her concern over adding administrators; and asked that each position be looked at critically.

During further discussion, Mr. Wilbeck questioned the following items: Board Report #14-90, Annual SchoolDude Contract; Board Report #14-91; Architectural and Engineering Services for Shah Center Parking Lot and Landscaping Improvements, Board Report #14-94; Dell KACE Computer Management System; Board Report #14-99, Twenty-four (24) ASUS Transformer Book T100TA Tablets; Board Report #14-100, Approval of Paralegal Course Fees; Board Report #14-104, Administrative Contracts for FY 2015. Mr. Wilbeck's questions on Board Reports #14-90, #14-91, #14-94, #14-96 and #14-99 were answered and he did not remove those reports from the agenda.

Ms. Kisser moved to approve the Consent Agenda minus item G. 7, McHenry County Economic Development Corporation Annual Membership, Board Report #14-96, and item G. 2., Administrative

Contracts for FY 2015, Board Report #14-104. Mr. Wilbeck seconded the motion. There was no discussion. The roll was called and all present were in favor; the motion carried.

ACTION ON ITEMS REMOVED FROM CONSENT AGENDA

Regarding Board Report #14-96, McHenry County Economic Development Corporation, Mr. Jenner stated that there is too much government; he stated he would vote no on principle. Ms. Liddell moved to approve Board Report #14-96 and Ms. Kisser seconded the motion. There was no further discussion. The roll was called. Mr. Jenner voted against and all others voted in favor. The motion carried.

Mr. Wilbeck asked for definitions of the positions listed on Administrative Contracts for FY 2015, Board Report #14-104. Dr. Smith replied that individuals hold these positions and the Board is being asked to approve another year on the contracts. Mr. Parrish asked whether any positions are not contained on this list; Dr. Smith replied that when a title is omitted from this list, the Board has always been informed in Closed Session which positions were not being recommended for extension. Ms. Liddell moved to approve Board Report #14-104 and Ms. Kisser seconded the motion. There was no discussion. The roll was called; Mr. Wilbeck voted against and all others voted in favor. The motion carried.

A break was taken at 8:53 p.m. and the meeting reconvened at 9:05 p.m.

BOARD POLICY MANUAL, SECTION 2 REVISION, FIRST READING, Board Report #14-110

Mr. Jenner thanked Dr. Miksa and the members of the Internal Board Policy Manual Review Committee for the work done, and added that Ms. Kisser guided most of the review. Ms. Kisser noted that if any changes are requested they must be noted now. The Board will vote on this revision at the next meeting.

APPROVAL OF PRESIDENT'S CONTRACT AND GOALS AND OBJECTIVES, Board Report #14-111

Ms. Liddell moved to approve Approval of President's Contract and Goals and Objectives, Board Report #14-111 and Ms. Kisser seconded the motion. During discussion, Ms. Walsh questioned Dr. Smith's goals and objectives, specifically Food Service, Bookstore, and Children's Learning Center. Dr. Smith clarified that the College has looked at the Children's Learning Center several years ago and has been trying to get this operation to break even. She has come to the conclusion that this cannot break even. Dr. Smith noted that the Bookstore makes a profit and analysis will be done to see how the profits can be increased. Mr.

Tenuta has been analyzing Food Service and has informed Dr. Smith that this operation made money in April. Mr. Parrish noted that the essence of this new contract is to extend Dr. Smith's existing contract through 2015-2016 hopefully at a fairly generous compensation and also to remove the clause concerning communication between Board members and employees. If the contract is not approved by Board vote, it does not mean Dr. Smith has been terminated; the Board will honor the contract through 2015. The new contract differs mainly in that language stating that Dr. Smith is the preferred means of communication between the Board and employees. Ms. Walsh questioned Dr. Smith's salary; Ms. Kisser clarified that this is a stopgap for the time period between this and the last contract. Dr. Smith clarified that the salary listed is her current salary. Mr. Parrish asked that the roll be called.

Mr. Peters, Ms. Liddell, and Ms. Kisser voted yes. Mr. Jenner and Mr. Wilbeck voted against. Ms. Walsh commented before she voted that she understands some Trustees are not voting to renew the contract and she understands their concerns, but she believes that the Board can work this coming year to resolve those differences with Dr. Smith and she voted in favor of the contract. Mr. Parrish voted against; as the Student Trustee's vote is advisory there was a tie and the motion failed.

Ms. Kisser asked for clarification. Her understanding was that the Board made a contract offer and received an acceptance. She asked where this falls in legal limbo land, where the offer has been made and accepted, but there was no ratification by the governing body that made the offer.

Ms. Rogers stated that there was an offer, and Dr. Smith accepted the offer without making any changes to the terms offered, adding that this should be a formality approved at the public meeting. Ms. Rogers stated she believes there is a contract, as the Board advised Dr. Smith at the April meeting that her contract would be extended. Ms. Kisser expressed her concern that the Board might have some liability exposure if the contract is not ratified. Ms. Rogers stated she was not prepared to discuss this issue in open session.

Mr. Parrish stated that the Board has a split vote, a vote of no confidence, and noted the Board has not terminated Dr. Smith's employment. Ms. Rogers stated that Dr. Smith advised the Board that she had accepted the terms offered by the Board. Ms. Rogers added that the Board Report stated the Board was pleased with the results of Dr. Smith's evaluation, and had offered her an extended contract. She stated it is

inconsistent with the Board Report to now have a vote and decline it. Ms. Rogers indicated she would have to look into legal analysis of what the Board's potential liability would be. Ms. Kisser asked whether the Board could go into closed session under Exception #1, since it had been removed from the agenda. Ms. Rogers stated that the Board could go into closed session for any permissible exceptions regardless of whether they are cited on the agenda. Mr. Parrish asked whether the next step was for the contract to be signed; Ms. Rogers replied that prior to June 1, 2014 the contract must be ratified and in place. Ms. Kisser noted the Board could talk in closed session tonight; Mr. Parrish stated that a closed session would be held at the end of the meeting.

#### DISCUSSION OF REQUEST FOR QUALIFICATIONS, ARCHITECTURAL SERVICES

Mr. Parrish stated that the document states the College is looking for architectural services for construction projects on the main campus and noted that he is opposed to the assumption that a new, multimillion dollar building will be built on the main campus. Ms. Kisser pointed out that the document also mentioned options such as buying off campus and Mr. Jenner stated Ms. Kisser was right. He noted that the statement at the beginning is inconsistent with a bullet point about the services including concept drawings design, new building, renovation of existing space, and off-site property options, if deemed cost effective. Dr. Smith noted that the words "on the main campus" can be removed.

Mr. Parrish questioned whether an architectural firm is needed, or whether the College would be served better by a consultant or advisor looking at total space requirements. He asked whether Ms. Liddell has found any contacts through ICCTA; she stated she felt an architectural firm was needed; she added that the proposal's wording could be changed, and noted that architectural services would give the College the options to look at different ideas. She added that she had not found any contacts through ICCTA.

Ms. Kisser suggested a change in wording so that firms would include any legal claims against them in the last five years. Mr. Jenner commented that the College should consider building up as well as out. He asked whether an architectural firm would give the College enough information; Dr. Smith explained that is what programming does. The architect would talk with all stakeholders to determine what is needed, and

then propose options. Mr. Jenner asked whether there should be a not to exceed cost; Ms. Liddell felt this should not be done initially, but after all the feedback has come in.

Dr. Smith stated that this process began with the Facility Master Plan, in which an architectural firm did programming and reported on the College's needs for the next 10, 20 and 40 years. Needs such as a student center, health/sciences building and fine arts center were shown with gross square footage for each.

Mr. Parrish stated that there are other dimensions to a needs analysis, and added that two very prestigious health organizations would like to partner with the College to discuss a strategic alliance. He stated his concerns with the feasibility study conducted by Power Wellness.

Ms. Liddell stated she believes the College is at a point where it can move forward. She added that after the qualifications are minimally written, Request for Proposals/Request for Qualifications (RFP/RFQ) documents from other colleges can be reviewed to see if we are missing anything. She stated that the Board finally came to agreement that we need to move forward and to do something that provides a vision of what it can look like. Ms. Walsh noted that if the new building is taken out of the scope, an architect could focus on renovating existing space, building additions up, out, or offsite. Mr. Jenner stated he did not know if a formal vote was needed; the Board is asking an architect to provide a proposal. Dr. Smith stated that administration does not typically bring these documents for the Board to approve; an RFP document contain enough so that any architectural firm interested would have information to program space needed.

Mr. Parrish stated that there are avenues other than architectural firms to accomplish what needs to be done in terms of aiding the learning process and suggested a strategic management firm might be needed. Dr. Smith replied that architectural firms would understand the programming process, the conceptual development.

Dr. Smith stated that she would like consensus from the Board to move ahead with the verbiage changes suggested and issue the RFP/RFQ to the public. Any firm interested is free to make a response. She stated that a committee would be formed to review the responses and select five to seven firms to be interviewed, or let the screening committee interview firms and recommend two to three firms for the Board to interview. She stated that the selection committee could be composed of two Trustees, three

administrators, two to three faculty members from areas that might be included in the space, and a student on the committee. Dr. Smith asked Attorney Rogers since Mr. Peters has an advisory vote, could he serve on this committee. Ms. Rogers felt confident that having Mr. Peters serve on the committee would not violate the Open Meetings Act.

Dr. Smith stated that the two Trustees to be selected might be chosen at the June Committee of the Whole meeting. Justin Peters stated he was willing to serve on the committee. Mr. Parrish asked for a straw poll: Ms. Kisser was in favor of going ahead with minor changes, Ms. Liddell was in favor, Mr. Peters was in favor, Mr. Wilbeck was not in favor, Ms. Walsh was in favor, Mr. Jenner was in favor. Mr. Parrish stated that this should move forward and Dr. Smith thanked him.

#### BOARD COMMITTEE REPORTS

##### A. Evaluation and Policies Committee

Mr. Jenner reported on the May 12, 2014 meeting, noting that Section 2 review was completed and has come to the Board under item 14 tonight. He thanked Dr. Miksa and Ms. Kisser for getting the committee through Section 2, which was a big task. The committee continued discussion of closed session minutes; Mr. Jenner hopes that some action items will lead to guidelines for writing closed session minutes so they can be made available to the public. Mr. Jenner noted that the topic of issuing debt has been tabled until more support can be given. He added that discussion was held on voluntary transparency, making more information available on the College website than statute requires; he noted that Dr. Butler is looking into voicemail boxes for the Trustees and stated Section 6 review will begin at the June meeting.

##### B. Committee of the Whole

Ms. Liddell reported on the May 13, 2014 meeting, noting that the emphasis of the Committee of the Whole meeting is to discuss items in more depth before they come to the Board meeting. Ms. Liddell stated highlights of the meeting: a report on the Aspen Institute competition, discussion on furniture and lighting and the Shah Center parking lot, along with comments from audience members on the need for student space and staffing in the Early Childhood Education program. Ms. Liddell stated that Dr. Smith

gave a presentation on student space, reviewing a historical picture of the College and how space developed over time.

#### ICCTA REPORT

Ms. Liddell spoke about the upcoming June ICCTA meeting and the Government Institute on Student Success training to be held at that meeting. Ms. Liddell noted that she, Ms. Walsh, Dr. Smith, and Mr. Peters would attend and encouraged all Trustees to attend. Mr. Parrish stated he would attend.

#### FRIENDS OF MCC FOUNDATION REPORT

Ms. Walsh reported that May 5 was the deadline to apply for Foundation scholarships, adding that over 323 applications were received. She added that some scholarships are still open. Ms. Walsh stated that as of July 1, four new Foundation Board members are being added. She announced that the Foundation Golf Outing will be held on June 13, adding this was a good time for Trustees to meet Foundation Board members. She noted that interviews are still ongoing for the Executive Director position.

#### FOR INFORMATION

- A. Spring 2014 Information Technology Survey
- B. TAA Grant Update
- C. Office of Marketing and Public Relations Update
- D. Office of Resource Development Update
- E. Office of Sustainability Center Update

Ms. Walsh asked whether the information for the TAA grant could be broken out into CNC and Robotics programs; Dr. Miksa will follow up.

#### SUMMARY COMMENTS BY BOARD MEMBERS

Ms. Liddell encouraged all to visit the Reel Illinois site to view the video and expressed her appreciation for the presentation on Clay Club's work with Pioneer Center.

Mr. Peters thanked the Board for listening to his suggestions and for working with students on space needs.

Ms. Walsh asked if the concerns expressed by the Early Childhood Education/Education department could be looked at again; Dr. Miksa replied that the same approach is used for each program: data is studied to

decide where resources are best used; he added that every program has adjunct instructors. He stated he would meet with Ms. Linder to further discuss the issue.

Mr. Wilbeck stated his concern with how meetings are conducted, and whether questions put to the Board by the public could be answered at the meeting. Ms. Kissler replied that the Board listens to what speakers have to say, and then inquires about topics. She noted that the Board should decide whether they need more information, request that information, and bring the question back to the Board table through a deliberative process. Mr. Jenner complimented Mr. Peters for his active participation in meetings.

#### FUTURE AGENDA ITEMS

Ms. Walsh stated that robust discussion on the budget would be held at the Committee of the Whole. Ms. Liddell asked about possible dates for the Board's retreat.

#### CLOSED SESSION

At 10:19 p.m., Mr. Wilbeck moved to go into Closed Session to discuss matters covered under the Illinois Open Meetings Act, 120/2(c), Exception #1, *The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity*; and Exception #21, *Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06*. Ms. Liddell seconded the motion. There was no discussion. The roll was called and all were in favor; the motion carried.

A break was taken at 10:26 p.m.; Closed Session began at 10:29 p.m.

At 11:37 p.m., Mr. Wilbeck moved to come out of Closed Session and Ms. Liddell seconded the motion.

There was no discussion. A voice vote was taken and all were in favor; the motion carried. Closed Session ended at 11:37 p.m.

ACCEPTANCE OF CLOSED SESSION MINUTES: Final Meeting of the Retiring Board, April 24, 2014

Mr. Wilbeck moved to accept the closed session minutes of the Final Meeting of the Retiring Board, April 24, 2014, with changes. Ms. Liddell seconded the motion. A voice vote was taken; Mr. Peters abstained and all others were in favor. The motion carried.

Ms. Kisser made a final comment. She would like to call a Special Board Meeting on Wednesday, May 28 and needs two other Trustees to support the call for this meeting, the purpose of which is to rescind the action taken tonight on Approval of the President's Contract and Goals and Objectives, Board Report #14-111. Ms. Walsh, Ms. Liddell, and Mr. Wilbeck will support that meeting.

ADJOURNMENT

The meeting was adjourned at 11:40 p.m.

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Patricia Kriegermeier, Recording Secretary

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Molly Walsh, Board Secretary